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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CRL.M.C. 5270/2022 & CRL.M.A. 24048/2022**

PANKAJ DAHIYA

.....Petitioner

Through: Mr. Kanhaiya Singhal, Mr. Ujwal Ghai, Ms. Deepali Pawar, Ms. Vani Singhal, Mr. Prasanna, Mr. Ajay Kumar, Mr. Udit Bakshi, Advocates.

versus

STATE OF NCT OF DELHI AND ANR.

.....Respondents

Through: Mr. Shoaib Haider, APP for the State.
Mr. Digvijay Singh, Mr. Gurpreet Singh and Mr. Mudassir Ali, Advocates for R-2.
SI Krishan Kumar, PS Mundka.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

04.07.2024

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1. Mr. Kanhaiya Singhal, learned Counsel for the Petitioner, has stressed on the repeated attempts made by Respondent No.2 to tamper with the evidence.
2. No doubt Section 439(2) Cr.P.C gives liberty to the complainant either to approach the same court or to the High Court by moving an application/petition for cancellation of bail but in the fitness of things, when this Court suggested to the learned Counsel for the Petitioner to first approach the very same Court which has granted bail to Respondent No.2 pointing out as to how Respondent No.2 is tampering with the evidence, the



learned Counsel for the Petitioner seeks permission to withdraw the present petition and seeks liberty to approach the same Court which has passed the Order granting bail to Respondent No.2.

3. Permission and liberty, as prayed for, are granted.

4. Needless to state that as and when the complainant approaches the Court for cancellation of bail by filing an application/petition, the same shall be decided on its own merits without being influenced by any observations made by this Court and in the Order granting bail to Respondent No.2.

5. The petition is disposed of as withdrawn, along with pending application(s), if any. It is made clear that this Court has not made any observations on the merits of the case. All rights and contentions of both the parties are left open.

SUBRAMONIUM PRASAD, J

JULY 4, 2024

S. Zakir