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

+ **BAIL APPLN. 3537/2023**

HARISH PRATAP SINGH

..... Petitioner

Through: Mr. Amit Chadha, Mr. Pujya Kumar,
Mr. Rahul Bharti and Ms. Smriti Shrivastava,
Advocates.

versus

**THE STATE AND ANR (GOVT. OF NCT OF
DELHI)**

..... Respondent

Through: Ms. Shubhi Gupta, APP for the State
with SI Rachna, PS: Civil Lines.
Ms. Sunita Arora, Advocate for Complainant.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

28.02.2024

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1. This is a regular bail application under Section 439 Cr.P.C. read with Section 482 Cr.P.C. on behalf of the Applicant Harish Pratap Singh S/o Sh. Govind Pal Singh seeking regular bail in case FIR No.417/2021 dated 16.10.2021 registered under Section 376 IPC and Section 6 of the Protection of Children from Sexual Offences Act, 2012 registered at P.S.: Civil Lines.
2. Status report is handed over in Court and the same is taken on record.
3. During the course of hearing, learned APP draws the attention of the Court to paragraph 03 of the impugned order passed by the Trial Court on 24.07.2023 where the Defence Counsel had requested the Court to treat the bail application *albeit* filed as a regular bail application, as an interim bail application on medical grounds.

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4. Acceding to the request of Defence Counsel, learned Trial Court has treated the same as an interim bail application and decided the same accordingly. It is also noticed that the prime reason that has weighed with the Trial Court while dismissing the application was that the testimony of the material witnesses was yet to be recorded and there were allegations of threat against prosecutrix/victim. Today, it is an admitted position that material witnesses i.e. prosecutrix and mother of the prosecutrix stand examined.

5. In this view of the matter, learned counsel for the Applicant seeks to withdraw the present application with liberty to approach the Trial Court.

6. Application stands disposed of as withdrawn with liberty as prayed for, in accordance with law.

7. It is made clear that nothing stated in this order shall tantamount to expression of an opinion on merits of the case.

JYOTI SINGH, J

FEBRUARY 28, 2024/shivam

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