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

+ **BAIL APPLN. 4165/2023**

MR. KAPIL (IN J.C.)

..... Petitioner

Through: Mr. M. Hasibuddin, Mr. Yasir Arafat,
Mr. Safuddin and Mr. Tauseef Ahmad,
Advs.

versus

THE STATE (GOVT. OF NCT OF DELHI) Respondent

Through: Ms. Meenakshi Dahiya, APP for State.
Insp. Darpan Singh and Insp. Haroon
Ahmad, PS New Ashok Nagar.

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

ORDER

01.05.2024

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1. Inspector Haroon Ahmad, SHO PS New Ashok Nagar has filed status report/reply explaining the circumstances under which the pendency of present bail application before this Court could not be conveyed to the learned Trial Court; wherein a fresh bail application was preferred by petitioner. He submits that SI Shivam Pawar was deputed before learned Trial Court after transfer of earlier IO and he was unaware of the pendency of the present bail application when he appeared before the learned Trial Court.

2. This Court is of the considered opinion that merely on account of transfer of an earlier Investigating Officer, the police officer deputed for the purpose cannot be absolved of his responsibility to correctly apprise the learned Trial Court regarding pendency of bail application before the High Court. Considering the totality of facts and circumstances, the concerned Investigating Officer deputed before the learned Trial Court as well as SHO,



PS: New Ashok Nagar are directed to be careful and cautious in future.

3. Learned counsel for the petitioner at this stage seeks to withdraw the bail application since material witnesses have since been examined before the learned Trial Court, with liberty to prefer a fresh application for bail before the learned Trial Court.

4. Taking the statement of learned counsel for the petitioner on record, application is accordingly disposed of without expressing opinion on the merits of the case and with liberty to file an application for bail before the learned Trial Court, as prayed. Pending applications, if any, also stand disposed of.

A copy of this order be forwarded to learned Trial Court for information.

ANOOP KUMAR MENDIRATTA, J

MAY 01, 2024/akc