



\$~18

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

+ **BAIL APPLN. 4320/2023**

**RAHUL KUMAR GAUTAM** ..... Petitioner

Through: Mr. Ankit Rana, Advocate.

versus

**THE STATE (GOVT. OF NCT OF DELHI)** ..... Respondent

Through: Ms. Shubhi Gupta, APP with  
Inspector Ashutosh Kumar, PS: Aman Vihar, for  
State.

**CORAM:**

**HON'BLE MS. JUSTICE JYOTI SINGH**

**ORDER**

%

**03.04.2024**

1. This is an application preferred on behalf of the applicant under Section 439 Cr.P.C. seeking regular bail in case FIR No.474/2021 dated 05.09.2021 under Sections 498A/304B/34 IPC registered at PS: Aman Vihar.
2. Status Report has been handed over in Court and is taken on record. Ms.Shubhi Gupta, learned APP states that 2 material witnesses remain to be examined on behalf of the prosecution being PW-4/Sumit, brother of the deceased and PW-5/Neha, sister of the deceased.
3. Counsel for the applicant, at this stage, seeks to withdraw the application with liberty to approach the Court after examination of the two material witnesses is concluded. He, however, states that the order sheets would substantiate his plea that both the witnesses have not been appearing to give evidence and repeated adjournments are being taken. On the other hand, applicant is suffering as he is in judicial custody since 05.09.2021. In support of the plea, learned counsel hands over copies of the orders sheets of the Trial Court. In this context, it is prayed that directions be issued to the



Trial Court to expedite recording of evidence of PW-4 and PW-5.

4. Application is disposed of as withdrawn with liberty to the applicant to approach the Court after the evidence of PW-4 and PW-5 is concluded.

5. Perusal of the order sheets does reflect that both witnesses have taken repeated adjournments on one pretext or the other. Learned Trial Court is requested to expedite recording of evidence of the aforementioned witnesses and ensure that no unnecessary adjournments are given.

**JYOTI SINGH, J**

**APRIL 3, 2024**

*B.S. Rohella*