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

+ CRL.M.C. 5737/2018

LAJWANTI & ANR

.....Petitioner

Through: Mr. Sanjeev Rajpal, Adv.(VC)

versus

STATE & ORS

.....Respondents

Through: Ms. Priyanka Dalal, APP for the State
with SI Vishal Gupta, Crime Branch
Mr. Arjun Malik, Adv. for R-2 and 3

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

08.10.2024

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Learned APP for the State has submitted that as of now both the respondents Nos. 2 and 3 are in custody. Learned APP submits that the respondent No.3 was taken into the custody in the present FIR No.10/2018 as he flouted one of the condition of the bail. It has further been submitted that another accused No.2 Ashish Malik is in custody in case FIR No.350/2019 PS EOW which has identical allegations.

Learned counsel for the petitioner submits that though the co-accused persons are in custody but he is still prejudiced by certain observations made by the learned Trial Court in order dated 31.05.2018.

Learned Counsel for the petitioner submits that he will be satisfied if the petition is disposed of with the direction that any observations made by the learned Trial Court in the impugned order shall not be taken into consideration during the course of the trial or the final adjudication of the



matter.

It is settled proposition that any observations made at this stage are prima facie opinion and does not amount to an expression of the merits of the case. The learned Trial Court is directed to conduct the trial and decide the matter on merits without being influenced by any observation made in the impugned order.

In view of the above, the present petition stands disposed of with the liberty as prayed for.

DINESH KUMAR SHARMA, J

OCTOBER 8, 2024

Pallavi/DG