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

+ CRL.M.C. 4247/2017

STATE

.....Petitioner

Through: Mr. Utkarsh, APP for the State with SI Sachin, P.S.Khajuri Khas.
Mr. M N Dudeja and Mr. Aditya Mishra,
Advocates, Adv.s for complainant.

versus

MUKESH SINGH

.....Respondent

Through: Ms. Smriti Sinha, Mr. Satyam Thareja,
Mr. Shikhar Yadav and Ms. Sara
Sherwani, Advocates.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER
27.03.2025

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1. Petition under Section 439 (2) Cr.P.C has been filed to challenge the Order 01.08.2017 by which the learned ASJ has granted bail to the Respondent in case FIR No.254/2017 under Section 365/306/341 IPC, P.S. Khajuri Khas.
2. Learned Addl. Public Prosecutor submits that this Application for cancellation of bail was filed way back in 2017. The grounds of challenge essentially are that the bail Order is based on presumptions, surmises and conjectures. Learned ASJ has failed to appreciate the seriousness of the allegations against the Respondent. It is also not considered that co-accused in this case Charan Singh i.e. father of the Respondent, Mukesh Singh was enlarged on bail *vide* Order dated 01.07.2017 and while granting bail the Court had observed that so far as Respondent Mukesh is concerned, *prima facie* it appears that the offence of abetment of suicide was made out against him but the case of Charan Singh was doubtful. However, while granting bail to the Respondent, the Court has overlooked its own observations.
3. Furthermore, the first Bail Application of Respondent was dismissed



vide Order dated 12.07.2017 by learned ASJ on the ground of there being no merit. However, at the stage when the investigations are pending and was at crucial stage, the chances of threatening of the main witness could not be ruled out. The Bail granted *vide* Order dated 01.08.2017 was, therefore sought to be recalled.

4. **Learned counsel for the Prosecutrix** has also asserted that an earlier Bail Application of the Respondent was dismissed by the learned ASJ on 12.07.2017 despite which the bail has been granted barely after 18 days on 01.08.2017 despite there being no change in facts. Secondly, while considering the bail, the severity of the offence has not been considered.

5. **Learned counsel on behalf of the Respondent** submits that there is no infirmity in the Bail Order and there is no ground for cancellation of bail. It has been pointed out that since then, the Chargesheet got filed and the charges got framed, 11 out of 24 witnesses have already been recorded.

6. **Submissions heard.**

7. Considering the submissions made that the case is at the stage of prosecution evidence and also considering that there are no allegations of there being no supervening circumstances justifying the cancellation of bail, the Petition for Cancellation of Bail, is hereby dismissed.

NEENA BANSAL KRISHNA, J

MARCH 27, 2025

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