

IA No. 2/21
SC No. 17/20
FIR no.301/19
PS Adarsh Nagar
State Vs. Lakhan and Ors.
U/s 302/201/34 IPC

22/02/2021

Pursuant to the directions contained in letter dated 14/01/2021 of the Hon'ble High Court of Delhi and circular No. 4165-4227/PD&SJ Sectt./COVID/North/RC/2021 dated 29/01/2021 of Id. Principal District & Sessions Judge, North District, Rohini Courts, Delhi, the undersigned is also holding physical hearing in the Court today.

This 2nd application for grant of regular bail u/s 439 Cr.P.C moved on behalf of applicant/accused **Lakhan** is placed before me in terms of order No.Judl./Bail/North/RC/2021/4585-4609 dated 30/01/2021 of Id. Principal District & Sessions Judge, North, Rohini Courts, Delhi.

Present in the Court :Sh. Sanjay Jindal, Id. Substitute Addl. PP for State.

: Sh. Kamal Kishore Yadav, Id counsel for applicant/accused.

Presence through Webex :None for the parties.

Reply of bail application has already been received from the P.S. It is submitted by Id counsel for the applicant that accused is in JC since 09.09.2019 and since then he is languishing in JC. It is submitted by Id counsel that wife of the applicant is ill since last three and half years and her body is getting swelling. He has further submitted that wife of the applicant is even unable to walk and is bedridden. It is further submitted that there is no one in the family of applicant to look after his wife since applicant's daughter is married and she is residing at her matrimonial home and son of the applicant is residing separately. He has further submitted that co-accused Raju has already been granted bail and hence the present applicant may also be released on bail.

Per contra, Id Substitute Additional P.P for State has opposed the bail application and has submitted that as per the CDR collected during investigation the presence of the applicant was found at the place of occurrence. He has also submitted that applicant is also having previous involvement and hence his bail application may be dismissed.

Heard. Keeping in view the fact that wife of the applicant is residing in joint family and there are other members of the family who can look after her. Even the son of the applicant though is residing separately can take care of his mother being the only son. As far as the submission of Id counsel for applicant that co-accused has

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been granted bail is concerned, there is no parity between the applicant and co-accused since it was the applicant who caused injuries on the neck of the deceased. Further the applicant is booked for serious offence of honour killing and in case applicant is released on bail the possibility of his fleeing away from justice as well as influencing or threatening the witnesses or tempering with evidence can not be ruled out. Hence, I do not find it a fit case for grant of bail at this stage. The present bail application is accordingly dismissed and disposed of accordingly. Bail application file be tagged with the main case file.

Let copy of this order be sent on the email/ whatsapp of the Id. Counsel for the applicant/accused.

(Shivaji Anand)
Addl. Sessions Judge: 04 (North)
Rohini Courts: Delhi:22/02/2021(M)