

Bail Application
SC No.122/24
State Vs. Harsh @ Arshi
FIR No.465/23
PS : Budh Vihar
U/s.436/34 IPC

05.08.2024

Present: Sh. Sanjay Jindal, Ld. Addl. Public Prosecutor for
the State.
Sh. Meer Hassan, Ld. Counsel for the applicant /
accused.
Sh. Raj Kapoor, Ld. Counsel for complainant.

- 1. This application U/s.483 BNSS 2023 has been moved seeking regular bail of applicant / accused Harsh @ Arshi.**
2. Ld. counsel for the applicant submits that no such application is pending before any other Court.
3. Reply filed. Copy supplied.
4. Arguments heard. Record perused.
5. Similar application of the applicant was dismissed by this Court on 08.04.2024. The only ground pleaded by Ld. Counsel for the applicant is that in the previous order, this Court had inadvertently mentioned that 25 criminal cases were previously registered against the applicant and he was BC of that area. Ld. Counsel has sought to clarify that it is co-accused Anas @ Rahul, who is BC of the area, having multiple cases registered against him. The applicant has only 3 criminal cases previously pending against him.

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6. Pendency of previous cases was one of the factors considered by this Court at the time of dismissal of previous bail application, it was not the sole ground. Further, in addition to the same, this Court cannot overlook gravity of offence and the stage of proceedings. Moreover, after dismissal of the previous application, neither any witness has been examined, nor any other substantial change has taken place in the circumstances. Accordingly, no ground is made out to release the applicant / accused. **The application is dismissed.**
7. The application stands disposed of accordingly.

BABRU BHAN
ADDL.SESIONS JUDGE-03,
NORTH WEST DISTT,
ROHINI COURTS
DELHI/05.08.2024