

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

23.10.2024

Present: Ms. Monika Aggarwal, Ld. Addl. Public Prosecutor
for the State.
Sh. Meer Hassan and Sh. Prince Khawal, Ld.
Counsels for the applicant.
Complainant with counsel Sh. Raj Kapoor.
IO/ASI Devender.

1. **Present application has been moved u/s.483 BNSS 2023 on behalf of applicant / accused Harsh @ Arshi, seeking regular bail, who has been arrested for the offences u/s.436/34 IPC.**
2. Ld. Counsel has submitted that no similar application of the applicant is pending before any other Court.
3. Reply filed. Copy supplied.
4. Ld. Counsel for the applicant has submitted that applicant was arrested in October 2023. He is in JC for last one year now. To prove its case, prosecution has relied upon two public witnesses namely Ranjeet Kaur and Raja. Both these witnesses have now been examined. Remaining 11 witnesses are formal in nature and the applicant neither has any reason to approach them, nor he is in a position to extend threat or exercise any such influence upon them. Further custody of the applicant during trial is not necessary for any purpose, hence it is prayed that the applicant be released on bail.
5. Bail application is opposed by Ld. Addl. PP for the State, stating that allegations against the applicant are serious in nature and if

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released on bail, he can advance threat to the witnesses.

6. Arguments heard. Record perused.
7. Perusal of record would reveal that to prove its case, prosecution has cited 13 witnesses. During last one year, only two witnesses have been examined. Those two examined witnesses are the only public witnesses, including the complainant. Remaining witnesses are formal in nature. In view of above, keeping the applicant in further custody awaiting the examination of remaining witnesses shall not serve any purpose. Accordingly, **present application is allowed.** Applicant / accused **Harsh @ Arshi** be released on bail on furnishing personal bond in the sum of Rs.25,000/- with one surety of like amount, subject to the condition that applicant shall not directly or indirectly influence the complainant or any other witnesses or shall not tamper with the evidence and shall attend the trial regularly.
8. It is clarified that nothing observed hereinabove shall have any bearing on the merits of the case.
9. **The application stands disposed off.**

BABRU BHAN
ADDL.SESIONS JUDGE-03,
NORTH WEST DISTT.
ROHINI COURTS
DELHI/ 23.10.2024