

01-10-2019

Case file is taken up today on an application under Section 439 Cr.P.C. for grant of bail and for restoration of previous surety bond on behalf of accused Chirag Mittal.

Present: Dr. Raj Rani, learned Addl. PP for the State.
Shri Vikas, learned counsel for applicant/ accused Chirag Mittal.

Heard. Perused.

Learned counsel for the applicant submits that parents of the applicant had already expired and applicant was residing with his aunt (bua). He further submits that on 09-09-2019, the aunt (bua) of the applicant has also expired and as the applicant was to perform her last rites (tehrvi), he could not appear on 20-09-2019, the date fixed and NBWs were issued against the applicant Chirag Mittal for 11-10-2019. He further submits that he was taken into judicial custody on 30-09-2019.

Learned Addl. PP for the State opposes the application.

Perusal of record shows that after issuance of NBW against applicant Chirag Mittal, he has moved application for cancellation of NBW on 30-09-2019 and he was taken into judicial custody.

The fact that despite knowing that the present case was listed for 20-09-2019, the applicant took 10 days to move application for cancellation of NBW issued against him. It shows the negligent attitude of the applicant towards the court proceedings in a case where he is an

accused. Moreover, there are serious allegations against the applicant that he had committed robbery along with co-accused by showing pistol to the complainant. Charge has not been framed in the case as yet. There is no ground for indulgence of this Court at this stage of the matter having considered the negligent attitude of the applicant. Hence, application is dismissed.

(Deepak Jagotra)
District & Sessions Judge
North West District
Rohini Courts, Delhi
01-10-2019