

SC no.141/2019  
State Vs. Chaitanya Bhardwaj and Ors  
FIR No. 220/2010  
PS Neb Sarai

06.09.2024

Present: Sh. L D Singh, Ld. Additional PP for the State.  
Accused Mohd. Hayat produced from JC (on bail in this case).  
Accused Mohd. Salim, Mohd. Arif and Sushil @ Goldy are present.  
Accused Chaitanya Bhardwaj is absent.  
Sh. Tariq Hashmi, Ld. DCLADC for accused Mohd. Hayat.  
Sh. Saood Sami, Ld. Counsel for accused Chaitanya Bhardwaj and Mohd. Salim.  
Sh. Sushil Kumar, Ld. LAC for accused Md. Arif along with Adv Ms. Mamta Barik.  
Ms. Vibhati Gupta, Ld. Proxy counsel for complainant along with complainant.

**Bail Roster for the month of September 2024 has been assigned to this court vide circular no. Judl.II/F.102/South/Saket/2024/30283-30313 dated 30.08.2024.**

An exemption application is moved on behalf of the accused Chaitanya Bhardwaj as he is suffering from high fever. Perused and allowed for today only.

On 21.08.2024, accused Md. Arif appeared and moved an appropriate application seeking cancellation of NBWs which was allowed.

Otherwise matter is at the stage of further prosecution evidence.

PW1 is under cross examination. Though he is

present today, since the matter is not listed for his evidence, therefore, let the cross examination of PW1 be conducted on the next date of hearing. **He is bound down for next date of hearing.**

There is an observation of the Supreme Court of India in **Surender Singh Vs. State (NCT of Delhi)** dated **03.07.2024** that as far as possible, the defence should be asked to cross examine the witness the same day or the following day and only in very exceptional case, and for reasons to be recorded, such as under sub-section (2) of section 231 of Cr.P.C, the cross examination should be deferred and a short adjournment can be given after taking precaution and care for the witness, if it is required.

This court makes every possible endeavor to comply the aforesaid observation but given the fact that more than 190 cases in this Court are at the stage of evidence and it is noted that on the dates fixed for recording of evidence of witnesses, either for the absence of the witness despite service or for the absence of counsel for the defence as well as some times for the witness or for want of FSL result or for some other reason at the end of the prosecution or defence, in some cases, the cross examination of the witness gets deferred and whatever delay is caused in concluding the cross examination of the witness can be attributed to the above.

List now for further prosecution evidence on 08.10.2024 at 02:00pm.

**(NAVJEET BUDHIRAJA)**  
**ASJ-02/SOUTH/SAKET COURTS**  
**NEW DELHI/06.09.2024**