

SC NO. 48/2019
STATE VS. ANKIT BHARDWAJ & ORS
FIR NO. 934/2018
PS: UTTAM NAGAR
U/S 302/307/34 IPC

06.03.2024

Present: Sh. S.K. Berwal, Ld. Sub Addl. PP for the State.
Sh. Avnish Rana, Ld. counsel for accused persons.
Sh. Mukul Sharma, Ld. counsel for the complainant.
IO/SI Bharat Lal is also present.

Three applications under Section 439 Cr.P.C moved on behalf of the applicants / accused persons namely Ankit Bhardwaj, Paras Bhardwaj & Karan Arora for grant of interim bail for a period of 45 days are pending for disposal.

Separate replies have been filed by the IO. Copies supplied.

1. First of all, I will decide the interim bail application moved on behalf of applicant / accused Karan Arora. It is submitted by Ld. counsel for the applicant / accused that the applicant / accused is in judicial custody since October 2018. It is further submitted by Ld. counsel for the applicant / accused that all the public witnesses have been examined in the present case and only official & police witnesses are left to be examined. It is further submitted by Ld. counsel for the applicant/accused that the father of the applicant/accused has died untimely leaving behind the present applicant and his widow. It is further submitted by Ld. counsel for the applicant / accused that the old aged mother of the applicant / accused is suffering from acute joint pain due to which she is not even able to visit the doctor. It is further submitted by

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Ld. counsel for the applicant/accused that there is nobody in the family of the applicant / accused to look after his mother and hence, it is requested that the present applicant / accused be granted interim bail for a period of 45 days.

2. On the other hand, Ld. substitute Addl. PP for the State as well as Ld. counsel for the complainant has argued on the present application and opposed the same.

3. The applicant / accused is claiming interim bail on the ground that the mother of the applicant / accused is suffering from acute joint pain. The report of the IO also reveals the same ground, however, the suffering of the mother of the applicant / accused is due to her old age and same is not going to be recovered / stable in a period of 45 days, for which period the applicant / accused is granting interim bail. Keeping in view of the facts and circumstances of the case, on the above said ground, **I am not inclined to allow the present application.**

4. **Now, I will decide the application moved by the applicants / accused persons namely Ankit Bhardwaj & Paras Bhardwaj.** It is submitted by the Ld. counsel for the applicants / accused persons that the applicants / accused persons are in judicial custody since

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October 2018. It is further submitted by Ld. counsel for the applicant / accused that all the public witnesses have been examined in the present case and only official & police witnesses are left to be examined. It is further submitted by Ld. counsel for the applicant / accused that the real parental uncle (tauji) has expired at Phagwara Punjab, who has only one son who is in Belgium, Europe & due to the personal reasons, he had not come even at the time of cremation of his father and being the real nephews they have to perform Pind Daan at Gaya, Bihar & Haridwar and hence, it is requested that both the applicants / accused persons be granted interim bail for a period of 45 days.

5. On the other hand, Ld. substitute Addl. PP for the State as well as Ld. counsel for the complainant has argued on the present application and opposed the same.

6. The applicants / accused persons are claiming interim bail on the ground that the parental uncle (tauji) of the applicants / accused persons have expired and they have to perform his last rites. The report of the IO also reveals that the parental uncle of the applicants / accused persons has expired. As per the report of the IO, besides the son of the parental uncle (tauji) of the applicants / accused persons, there is one daughter also. I am of the view that daughter can perform all the last rites

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of the parental uncle (tauji) of the applicants / accused persons. Keeping in view of the facts and circumstances of the case, on the above said ground, **I am not inclined to allow the present applications.**

7. **Accordingly, all three interim bail applications moved by accused persons namely Ankit Bhardwaj, Paras Bhardwaj & Karan Arora stand disposed of accordingly.**

8. Re-notify the matter for the date already fixed i.e **22.03.2024**. Copy of this order be given dasti to Ld. counsel for the applicants / accused persons, if prayed for.

(Deepak Wason)
ASJ-04: South-west District:
Dwarka Courts: New Delhi
06.03.2024