

CNR No. DLNE01-003006-2019
SC No. 260/2019
State Vs Deepak Singh
FIR No. 100 /2019
PS BhajanPura

05.04.2021

Present: Ms. Ifat Sultana, Ld. Counsel for applicant.
Sh. Masood Ahmad, Ld. Addl. PP for the State.
Sh. Binod Singh, Ld. Counsel for complainant along with
complainant in person.

Submissions on the bail application heard.

By way of present application, the applicant is seeking bail as he is in custody since 21.03.2019 as was arrested upon registration of the present case after death of his wife. The death of the wife of the applicant occurred within 7 years of their marriage. It is submitted that more than 2 years have passed while languishing in the jail by the applicant but no witness has been examined and that no specific allegation have been made by the complainant in FIR or the statement recorded. It is submitted that prior to death of deceased, no complaint had been made by the complainant/deceased or any other person regarding demands of dowry, cruelty upon the deceased for or in connection of demand of dowry and harassment to the deceased. It is submitted that the applicant with his wife was living happy marital life for last 15 months. It is submitted that there is no chance of speedy trial and applicant has been falsely implicated and the allegations levelled against him are general in nature and that he is the only earning member of the family and the family in his absence will come under the verge of starvation. It is submitted that the applicant is ready to

..2..

abide by all the terms and conditions imposed by the court if he is enlarged on bail. The reliance is placed upon the case of **Jagjit Singh Vs State of Punjab, Criminal Misc. Application No. 17269-M of 1993, decided on 14.01.1994 by Hon'ble Punjab & Haryana High Court, Sajjan Kumar Vs State, 1991 (2) C. C. Cases 106 (HC), Nafe Singh Vs State, 1993 (1) C.C. Cases 254 (HC), Sher Singh Vs State of Punjab, 1995 (2) C. C. Cases 121 (HC), Arvind Rajta Vs Central Bureau of Investigation, Cr.MP(M) No. 1040 of 2020, decided on 24.09.2020 by Hon'ble High Court of Himachal Pradesh, Shimla and Rajesh Vs State Through Police Station Dhantoli, Nagpur, Criminal Application BA No. 219 of 2020 by Hon'ble High Court of Bombay.**

On the other hand, bail application is opposed with the submissions that there is no delay in the trial due to the prosecution and the witnesses could not be examined due to the lockdown. It is submitted that the complainant has been partly examined who have supported the case of the prosecution and deposed about the beatings given to her daughter by the applicant and the demands of money made by the relatives. It is submitted that two neighbours have seen that the victim was taken to the hospital in injured condition and she used to tell them about the torture/harassment given to her by her husband and in laws. It is submitted that the applicant may threaten the witnesses if admitted to bail. The reliance is placed about the demands of dowry on cases **M. Narayan Vs State of Karnataka, (2015) 6 Supreme Court Cases 465, Kans Raj Vs State of Punjab and Others, AIR 2000 Supreme Court 2324 and Rajinder Singh Vs State of Punjab, II (2015) SLT 523.**

I have gone through the case file including the testimony of complainant recorded during the trial. The complainant has deposed about the beatings given by the applicant to his daughter as well as giving the articles to which he is referred as gifts on the occasion of birth of grandson and of Holi festival as demanded. It is well settled law that at the time of dealing with the bail

..3..

application, the evidence cannot be appreciated in depth and meticulously. The remaining witnesses are yet to be examined and during a period of last one year, no witness could be examined due to lockdown of the courts in view of COVID-19 pandemic, as such, the findings of the Hon'ble Court in the cases relied upon by the applicant are not helpful to the applicant in the present case.

Considering these facts, I am of view that no case is made out to admit the applicant on bail at this stage. As such, application is dismissed.

Copy of the order be provided to the parties.

(SUNIL CHAUDHARY)
Special Judge (NDPS)/ASJ
North East/ Delhi 05.04.2021