
(2005) 05 DEL CK 0165
In the Delhi High Court
Case No : Bail Appln 1466 of 2005

Lokesh Kumar

APPELLANT

Vs

State of NCT of Delhi

RESPONDENT

Date of Decision : 31-05-2005

Acts Referred:

Citation : (2005) 121 DLT 393

Hon'ble Judges : Badar Durrez Ahmed, J

Bench : Single Bench

Advocate : Mukesh Kalia, for the Appellant; Pawan Sharma, for the Respondent

Judgement

Badar Durrez Ahmed, J.—This is the second bail application moved before this court by the present petitioner. The earlier bail application was disposed of by an order dated 16.03.2004 This court had directed the trial court to conclude the trial expeditiously preferably within six months from the next date of hearing. It was also indicated in the said order that in case the trial is not concluded within the aforesaid period, the petitioner would be at liberty to approach this court for appropriate relief.

2. When the order dated 16.03.2004 had been passed by this court, the prosecution had examined 7 out of 26 witnesses. The learned counsel for the petitioner now informs this court that a further 7 witnesses have been examined during this entire period of over a year and till date only 14 out of 26 witnesses have been examined. He further submits that given this pace of the trial, it is not likely that the trial could be concluded in the near future despite the direction given by the court earlier. The learned counsel for the petitioner also submits that the petitioner has no criminal antecedents. Accordingly, he submits that, as the petitioner has already been in custody since 16.10.99 i.e., for a period in excess of five years and despite this court directing the trial court to expedite the trial, the same having not been concluded, the petitioner would be entitled to bail. He further placed reliance on the decision of this court in the case of Pritam Singh @ Pappu v State (Govt of NCT of Delhi) 203 (2) JCC 1120 wherein, under

similar circumstances, this court was pleased to direct the petitioner to be released on bail.

The learned counsel for the State opposed the grant of bail in view of the allegations made against the petitioner. However, considering the fact that the petitioner has been in custody for over 5 years and that despite the direction given by this court for expediting the trial within a particular time frame, the same has not been concluded, as also the fact that there now appears to be no likelihood of the trial concluding at an early date, I direct that the petitioner be released on bail on furnishing a personal bond in the sum of Rs.25,000/- with one surety of the like amount to the satisfaction of the concerned court.

The application stands disposed of.