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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ BAIL APPLN. 335/2015

INDER PRAKASH KOHLI

@ BABLOO KOHLI Petitioner

Through: Dr.Ashutosh Kumar, Advocate.

versus

D R I

..... Respondent

Through: Mr.Satish Aggarwala, Advocate.

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

% **30.06.2015**

Crl.M.A No.9173/2015

Exemption granted subject to all just exceptions.

Application stands disposed of.

BAIL APPLN. 335/2015 & Crl.M.A No.9172/2015

The petitioner had earlier come up before this Court for grant of bail vide bail application No.335/2015. The aforesaid application was disposed of by an order of this Court dated 23rd February, 2015. Liberty was granted to the petitioner to renew his prayer for bail after the charges were framed. Such concession was granted by this Court, on the strength of the submission made by the counsel appearing for the DRI that only three or four witnesses at the stage of pre-charge evidence would be examined, and there shall be no unnecessarily delay.

In any view of the matter, since charges could not be framed and upto now only three prosecution witnesses have been examined, the petitioner preferred an application for bail before the Court below. The

Court below vide order dated 18.6.2015 rejected such prayer after noting down that the matter is pending before the High Court.

This is an erroneous reading of the order dated 23.2.2015 by the Court below. The application for bail had been refused in the first instance, albeit, with some directions. This Court had expressed its view that it was expected of the trial Court to expedite the hearing on the issue of framing of charge and it was further expected that such process would be completed within a period of three months from the date of passing of the order. Despite such observation having been made for the Court below, the bail application No.335/2015 stood rejected. No application was pending before the High Court.

This Court therefore, directs that in case the petitioner files a fresh application for bail, the same shall be considered by the Court below without being prejudiced by the fact that in the present application no relief was granted to him. The Court below is expected to take into account, while disposing of his bail application, the fact that there has been a delay in framing the charges and that a positive submission was made on behalf of DRI that every step would be taken for expeditious hearing on the issue of the framing of the charges. The Court below would also take into account the nature of accusations against the petitioner and the requirement of his being kept in custody till the conclusion of trial.

With this observation/direction, the application is disposed of.

A copy of this order be given dasti under the signature of the Court Master to counsel for the parties.

ASHUTOSH KUMAR, J

JUNE 30, 2015/k