

**Sanjeev Kumar Vs. State**

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**Court :** Delhi

**Decided On :** Aug-21-1991

**Reported in :** 45(1991)DLT320

**Judge :** V.B. Bansal, J.

**Acts :** [Code of Criminal Procedure \(CrPC\) , 1973](#) - Sections 489; [Indian Penal Code \(IPC\), 1860](#) - Sections 307

**Appeal No. :** Criminal Miscellaneous Appeal Nos. 176 of 1991 and 1618 of 1999

**Appellant :** Sanjeev Kumar

**Respondent :** State

**Advocate for Pet/Ap. :** K.K. Sud and; S.K. Agarwal, Advs

**Judgement :**

**V.B. Bansal, J.**

(1) This order is to dispose of an application under Section 482 read with Section 439 Code of Criminal Procedure, moved by Sanjeev Kumar, petitioner, praying for regular bail for an offence under Section 307 Indian Penal Code ., in Fir No. 302 of 1987, Police Station Krishna Nagar, Delhi.

(2) This case relates to an incident dated 12th October, 1987 in which the petitioner is stated to have thrown acid on Gulsban Kumar causing injuries. The injured is stated to be the tenant of father of Sanjeev Kumar. A number of applications moved for bail by the petitioner were dismissed by the Sessions Court. One application for bail was dismissed by this Court on 24th November, 1987. Subsequently, on the sixth application for bail moved by the petitioner, he was allowed bail by the Addl. Sessions Judge. The said order was cancelled by the Addl. Sessions Judge, Shahdara, vide order dated 3rd May, 1988. This order was upheld by this Court on 17th May, 1988. Thereafter, also the applications moved by the petitioner for bail was dismissed by this Court on 27th May, 1988 and 1st August, 1988. An Special Leave Petition filed by the petitioner in the Supreme Court was also dismissed on 12th July, 1988. The position thus, as it stands, indicates that the applications for bail on merit moved by the petitioner were rejected.

(3) On a petition moved by Sanjeev Kumar, petitioner, he was allowed interim bail on 30th July, 1990 and thereafter he has been on interim bail under different orders of this Court.

(4) Learned Counsel for the petitioner has submitted that all the witnesses including the Investigating Officer, who was initially cited in the challan have already been examined and only the doctors who were allowed to be examined on applications moved by the complainant remained to be examined and there has been inordinate delay in concluding the trial. He has also submitted that the petitioner has not in any case been responsible for the delay and has been appearing in Court on each date of hearing, even when he was ill. A prayer, therefore, has been made that the petitioner may be given regular bail.

(5) This application has been opposed by the learned Counsel for the respondent who has submitted that necessary steps have been taken by the prosecution to produce the witnesses and doctors could not be examined as they were not available. He has also submitted that the petitioner has been getting bail on medical grounds and the latest report received from the Medical Superintendent, Safdarjung Hospital, indicates that he is not suffering from hepatitis from which

he claimed to be suffering. A prayer has, therefore, been made that the application be dismissed.

(6) I have given my thoughtful consideration to all these submissions and have perused the records. There was an order dated 20th January, 1989 by Hon'ble Mr. Justice P.K. Banri, that the Trial Court shall take steps to dispose of the case within two months and if for any lapse on the prosecution the Trial Court shall grant bail to the petitioner. There was another order dated 6th July, 1989, by Hon'ble Mr. Justice G.C. Jain vide which the Trial Court was directed to dispose of the case within three months. Trial Court was directed to expedite the proceedings vide order dated 20.2.1991.

(7) It is, thus, apparent that in spite of the directions given by this Court the proceedings in the case have not been concluded and it is the admitted case of the parties that the petitioner is not responsible for the delay. According to the learned Counsel for the petitioner, Sanjeev Kumar has been in custody for about 19 months, which fact is not controverted. Considering all these facts, I am clearly of the view that a case is made out for the grant of regular bail to the petitioner, without going into the question of his present ailment.

(8) As a result, the petitioner is allowed regular bail subject to bids furnishing personal bond in the sum of Rs. 10,000.00 with one surety in the like amount to the satisfaction of the concerned Court.

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