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

+ BAIL APPLN. 1146/2023

VIKAS DOGRA @ CHUCHU

..... Petitioner

Through: Mr. Amit Chadha, Mr. Atin Chadha,
Ms. Munisha Chadha, Ms. Smriti
Shrivastava and Ms. Aeshana Singh,
Advs.

versus

STATE THROUGH P.S PUNJABI BAGH

..... Respondent

Through: Mr. Raghuinder Verma, APP
SI Naveen, Cyber Cell, West District
Inspector Yogendra Kumar, PS
Punjabi Bagh

CORAM:

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

ORDER

17.11.2023

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At the outset, it is submitted by the learned APP that the eye-witness could not be examined on the last date of hearing in the trial court which was yesterday, i.e., 16.11.2023, due to non-production of the case property. Learned counsel for the petitioner states that for the last three dates case property has not been produced in the Court because of which examination of the eye witness could not be completed.

SI Naveen states that he also confirms that the part examination-in-chief of PW3 has been recorded but it was deferred from time to time as the case property was not produced. On a further query, it is stated by the



learned APP, on instructions from the SI, that though the *malkhana mohrar* had appeared in the Trial Court but he stated that he was unable to identify the case property of this particular case, as a result he was unable to produce the case property in the trial court.

This is quite shocking as to how the case property has become untraceable or lost in the *malkhana*.

In my opinion, learned Sessions Court should have asked for an explanation as to why the case property has not been produced till date. Learned ASJ is directed to take action in this regard and file a report regarding the same.

Renotify on 9th January, 2024.

RAJNISH BHATNAGAR, J

NOVEMBER 17, 2023

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