

SC No. 28027/2016
STATE Vs. Rajesh @ Marry
FIR No. 823/2015
PS Kotwali

23.12.2023

Present : Sh. Pankaj Kumar Ranga, Ld. Addl. PP for the State.
Accused persons namely Divesh @ Deepu, Deepak
Kumar @ Arav, Virender Kumar @ Bunty and Afzal
are present on bail.

Accused Pankaj is absent.

Accused persons namely Rajesh @ Marry and
Deepak Kumar @ Bhuri @ Chirag produced from
J.C. (although on bail in present case)
Sh.Pawan Sharma, Ld. Counsel for all the accused
persons.

Ld. Counsel for accused Pankaj submits that he has
no information about whereabouts of accused Pankaj.

Surety namely Sharda Devi for accused Pankaj has
appeared before this Court. She submits that she cannot produce
accused Pankaj. Bail bonds of accused Pankaj stands forfeited.

In the meantime, issue notice to Manager, Bank of
Baroda, Karawal Nagar, Delhi with the direction to collect the original
FDR from this Court before next date of hearing and get a demand
draft prepared in the name of Principal District and Sessions Judge,
HQ from the amount of FDR in sum of Rs. 20,000/- and deposit the
said demand draft before this Court on next date of hearing.

Accordingly, **surety namely Smt Sharda Devi stands
discharged** from the present case.

On the last date of hearing, NBWs were issued
against accused Pankaj. Report has been received that accused
Pankaj was not found at his address and his father told that
accused Pankaj is a driver by profession and he had gone out of

Delhi.

As per mandate of Section 76 & 77 Cr.P.C, SHO PS Kotwali was duty bound to trace accused Pankaj at any place in India and produce him before this Court without any delay. In the present case, SHO PS Kotwali sent HC Ritesh to the house of accused Pankaj only once where accused was not found. SHO PS Kotwali has not made any other effort to trace accused Pankaj. It seems that SHO PS Kotwali does not understand the difference between summons and warrants.

This Court is of considered opinion that SHO PS Kotwali has not made sufficient efforts to trace the accused at any place in India and hence the report filed by him is not satisfactory.

In these circumstances, **issue fresh NBWs against accused Pankaj through DCP, North for next date of hearing as the SHO PS Kotwali has failed to execute the same.**

Copy of this order be sent to DCP, North for compliance.

Put up for filing of report w.r.t to execution of NBWs against accused Pankaj on behalf of DCP, North and further proceedings on **08.01.2024**.

(Virender Kumar Kharta)
ASJ/FTC-02(CENTRAL)
TIS HAZARI COURTS:DELHI :23.12.2023