

18.02.2026

Present : Sh. Himanshu Garg, Ld. (subt.). Addl. PP for the State.
Sh. Binay Kumar, AR for complainant company through VC.
Sh. Saurabh, Legal retainer for the complainant alongwith Ld. Counsel Sh. Anil Bhasin.
Accused no. 1 and 2 in person.
Sh. Abhishek Shokeen, Ld. Proxy counsel for accused no. 1 through VC.
Accused no. 3 already declared PO vide order dated 05.04.2022.

Today, matter is listed for clarification, if any/ orders.

Clarification sought.

1. It is submitted by Ld. Addl. PP for the State that during the investigation, witnesses namely **Ms. Meena W/o Sh. Subhash, Jaipal @ Sunny S/o Sh. Jai Kishan and Rakesh Kumar Garg S/o Sh. Ishwar Chand** have been examined by the IO in connection of this case, however, the witnesses could not be cited in the list of witnesses by the IO, therefore, they could not be summoned.

2. It is further submitted that **ASI Sunil Kumar** has also executed the PO proceedings of the co-accused namely Dhram Chand in compliance of order dated 11.10.2021 and his statement was recorded on 05.04.2022 and consequently accused Dhram Chand was declared PO alongwith co-accused Sandeep on 05.04.2022. Further, supplementary charge-sheet dated

Contd....2/-

30.09.2022 against accused Dhram Chand was filed on 10.10.2022 and vide order dated 16.12.2024 additional charge u/s 174A IPC was framed against accused Dhram Chand but he remained unexamined on this aspect. It is therefore, prayed to kindly summon the above witnesses and IO ASI Sunil Kumar may also be permitted to be re-examined with regard to the fact of PO proceedings qua accused Dhram Chand dated 05.04.2022 for just decision of this case.

3. It is submitted by Ld. Counsel for accused no. 1 that the application filed by the prosecution on 31.10.2023 is vague and frivolous and there is no single explanation why these abovenamed witnesses i.e. **Ms. Meena W/o Sh. Subhash, Jaipal @ Sunny S/o Sh. Jai Kishan and Rakesh Kumar Garg S/o Sh. Ishwar Chand** are now required and what purpose will be served by examining them. It is further submitted that above named witnesses except IO Sunil Kumar was never examined and also none of them were mentioned in the list of witnesses by the IO in the charge-sheet. Nor, any statement u/s 161 Cr.P.C of the above named witnesses were recorded. It is further submitted that IO ASI Sunil Kumar was already examined and cross-examined on 21.03.2023 at length before the court and hence, presence of above named witnesses is not required for the just decision of the case. It is further submitted that the prosecution just wants to fulfill the loopholes in their case only by summoning the above named witnesses. It is prayed that the application may kindly be dismissed.

4. By way of present application, the prosecution is seeking (I) Examination of PWs namely **Ms. Meena W/o Sh.**

Contd....3/-

Subhash and Jaipal @ Sunny S/o Sh. Jai Kishan both R/o Plot no. 174, Khasra no. 05, Kamruddin Nagar, Village Nangloi, who both are legal heirs of property/ plot in question (where the raid has been allegedly conducted) in respect to proving the fact that part portion of the abovenoted plot and khasra has been sold to Manoj Shokeen by Sh. Ram Chander who was the family member of the above noted witnesses and where Manoj Shokeen was running factory and another independent/ public witness namely Rakesh Kumar W/o Sh. Ishwar Chand H.No. 39-40, friends Enclave, Sultan Puri, Delhi to prove in respect of the possession over the property in question in possession of Manoj Shokeen where alleged factory are/ were being run.

5. On perusal of the record, it reveals that all the above three witness were neither referred in the list of witnesses nor any whisper about their examination in the charge-sheet itself. Moreover, on being inquired, during hearing, for not making all these witnesses as part of the charge-sheet and whether the same has been objected by the prosecution but admittedly as submitted that present charge-sheet has been filed without scrutiny from the prosecution as such merely statement available in the police file, especially when the statement of all these witnesses were not handed over to the accused persons being part of the charge-sheet, does not create any reasonable negligence on the part of IO and especially when IO/ASI Sunil Kumar has been examined but did not whisper about the recording of statement of these witnesses, hence, prayer in this regard turned down.

6. So far as, second prayer qua examination of witness namely ASI Sunil Kumar is concerned, the same is in respect to

Contd....4/-

the supplementary charge-sheet u/s 174A IPC and no opportunity has been provided for their examination.

7. Accordingly, in view of the above, the application moved on behalf of State is partly allowed to the extent that only **PW ASI Sunil Kumar, who is witness in respect of supplementary charge-sheet u/s 174A IPC, is allowed to be examined as a witness by the State.** So far as, request regarding examination of PWs namely **Ms. Meena W/o Sh. Subhash, Jaipal @ Sunny S/o Sh. Jai Kishan and Rakesh Kumar Garg S/o Sh. Ishwar Chand** is concerned, the same is disallowed.

Application stands disposed of accordingly.

List the matter for examination of PW ASI Sunil Kumar on **16.03.2026**.

(Rakesh Kumar-IV)
ASJ (Electricity) – 01,
Central/ Tis Hazari Courts/ Extn. Block
18.02.2026 (sy)