

SC No. 696/2021
STATE Vs. ABHISHEK GAUR @SURAJ
FIR No.18/2018
PS Burari

20.07.2026

Present: Sh. Pankaj Kumar Ranga, Ld. Addl. PP for the State.
Accused is present on bail.
Sh. A. K. Mishra, Ld. Counsel for accused.
IO SI Bhupesh Kumar in person.

Matter is fixed for arguments on point of charge/framing of charge.

Ld. Counsel for accused submits that accused has been falsely implicated in the present case and he has nothing to do with the commission of offence in the present case. He submits that weapon in the commission of offence was used by JCL namely "V" and since no dangerous weapon was used by the present accused, charges cannot be framed against him under Section 397/34 IPC and under Section 27 Arms Act. He submits that accused should be discharged in the present case.

Per contra, Ld. Addl. PP for the State submits that FIR in the present case was registered at instance of complainant Sh. Sunny. He submits that complainant has stated that 03 persons were involved in the commission of offence of robbery. Ld. Addl. PP for the State has fairly admitted that the dangerous weapon in the commission of offence was used by JCL "V" and no weapon has been recovered from possession of accused and hence charges under Section 397/34 IPC & under Section 27 Arms Act are not attracted against him. However, he submits that since the offence of robbery has taken place and injured namely

Pankaj has correctly identified accused during the TIP proceedings and he was acting with the JCLs in furtherance of their common intention and the victim has also sustained injury, offences punishable under Section 392/394/34 IPC are attracted against the accused.

I have heard the submission and perused the record.

The present accused was apprehended on the disclosure statement of JCL "V" who is facing trial/inquiry before the Ld. JJB. After the arrest of accused, his TIP was got conducted through victim Pankaj and accused was correctly identified by him which shows that accused was involved in the commission of robbery and he was acting with the 02 JCLs in furtherance of their common intention. However, since the weapon of offence was used by JCL "V" and no weapon has been recovered from possession of accused, offences punishable under Section 397/34 IPC and under Section 27 Arms Act are not attracted against the accused. However, since the offence of robbery has been committed and the accused was acting in furtherance of common intention with the 02 JCLs and the victim has also sustained injuries, prima facie, offences punishable under Section 392/394/34 IPC are attracted against the accused.

Accordingly, charges under Section 392/394/34 IPC have been framed against the accused to which he pleaded not guilty and has claimed trial.

Put up for PE on 15.10.2026

(Virender Kumar Kharta)
ASJ/FTC-02(CENTRAL)
TIS HAZARI COURTS:DELHI :20.07.2026