

SC 222/2022
STATE Vs. GAURAV NAGAR
FIR No. 305/2022
(Bhajan Pura)

23.12.2024

Present: Sh. Vikas Kumar, Ld. PP for the State.
Sh. Pramod Nagar with Ms. Arshi Hasan, Ms.
Amit Kumar and Puneet Nagar, Ld. Counsel for
all the accused alongwith accused Gaurav Nagar
and Bhucha.
IO Inspt. Rajni Kant in person.
Accused Shokeen joined through VC.

1. Arguments heard on charge.
2. It is submitted by IO that Rani had given a complaint that her husband has gone missing. Thereafter, Rani and Shokeen were apprehended and arrested in FIR No. 183/2022, PS Gandhi Nagar wherein on the basis of their disclosure statements, present FIR was registered. It is submitted that location of dead body was pointed out by the Shokeen in his disclosure statement. On further investigation, it came to their knowledge that the dead body was recovered by police official of PS Chhainsa and they had registered one case of accident but his bones were preserved. When the DNA report from the bones of deceased was matched with the DNA of his brother and mother, it was established that the dead body was of deceased Arvind.
3. On the basis of disclosure statements of Shokeen and Rani, police obtained location of the mobile phone of Gaurav Nagar, Shokeen and Rani at Bhairava, their locations were same as the location of the deceased Arvind. Further, the location of deceased

Arvind, accused Gaurav and Shokeen were also same at Eastern periphery. Thereafter, mobile phone of deceased has been switched off. It is submitted that police has also obtained CDRs of around 07.00 am in the morning of the day when this incident was planned in the morning. Shokeen had spoken with Bucha as well as Gaurav in the morning. It is further submitted that there is one statement under Section 161 of Cr.P.C. of a public witness namely Sh. Akshay Nagar which supports the case of the prosecution regarding the involvement of Gaurav and Bucha. It is further submitted by the IO that car which was used in the murder was not traced and investigation report qua same is also on record.

4. On the other hand, Ld. Counsel for the accused submitted that the post mortem report says that this was a case of accident thereby resulting in injuries on deceased. However, this aspect has been dealt by my Ld. Predecessor in detailed order dt. 15.01.2024 and said order has not been challenged till date.

5. It is submitted by Ld. Defence counsel that accused Gaurav and Bhucha have been arrested only on the basis of their mobile phones and location. It is further submitted that Bhucha was not carrying mobile phone even. It is submitted by Ld. Counsel that chain of events is not completed. It is further submitted that version of police in Haryana in FIR No. 183/2022 in which Rani and Shokeen were apprehended is different from the version given in this case. It is submitted that in the said case bearing FIR No. 183/2022, accused Shokeen was actually lifted from his house and said case itself is a planted one. Further, the

post mortem report does not support of the case of the prosecution at all. Further, the vehicle is not recovered till date. It is further submitted that this case is based on suspicion only.

6. I have heard both the sides and gone through the record.

7. In view on the disclosure of Shokeen and Rani, the dead body of the deceased Arvind was traced and his DNA matched with the DNA of his brother and mother. Further, IO has obtained call details as well as location details of these accused, to show that their location details at Bhairava as well as Eastern Periphery was the same. Further, there are call details to support the case of the prosecution, they were even conspiring with each other for murder of deceased Arvind

8. At this stage, there is sufficient material on record for framing charge against all the four accused persons. Hence charge be framed against all accused under Section 302/34 and Section 120-B R/w Section 302 of IPC. Further, accused Gaurav, Shokeen and Bucha also have caused dead body to disappear, hence charge under Section 201/34 of IPC be also framed against them

9. Put up for framing of charge on **29.01.2025**.

(Twinkle Wadhwa)
ASJ-02(NE)/ KKD/Delhi
23.12.2024