

IA No. 03/2025
SC No. 366/2022
State v. Brijkant Singh
FIR No. 617/2021
PS Khajuri Khas

11.03.2025

Present: Sh. Manoj Garg, Ld. Addl. PP for the State.
Ld. Counsel for the complainant/applicant.
Accused Brijkant in person with Sh. Rudrashish
Bhardwaj and Ms. Sejal Jain, ld. Counsel.
IO/Inspector Puneet Bharti in person.

1. Arguments heard on the application filed on behalf of the complainant for cancellation of bail of accused Brijkant.
2. It is submitted by counsel for the complainant/applicant that bail was granted on altogether different grounds. It is submitted that it is mentioned in the bail order that there is no direct evidence against accused. However, mobile phone of accused was sent to FSL and from his mobile, a video footage has been recovered wherein accused Brijkant could be seen brutally beating the deceased Pradeep with a dry wooden stem of a tree. Accused is accompanied by co-accused CCL S and they both could be seen beating him while he is naked, there is no cloth on his body. It is further submitted that as per MLC there are total of 54 injuries on his body. All the injuries were ante-mortem and are mentioned in detailed in MLC. It is submitted that it is mentioned in MLC that injuries have been caused by blunt force and by more than one type weapon of offence and are homicidal in nature. It is also mentioned that they are collectively sufficient to cause death in ordinary course of nature.

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3. It is submitted that accused took the bail by misleading the court. It is submitted that this video footage which is obtained from the mobile of accused along with FSL report has been filed by way of supplementary chargesheet. It is submitted that the complainant is the mother of deceased and she has been chased by accused and his friends so as not to pursue this matter regarding which complaint has already been made in PS Loni and PS Farsh Bazar. She has apprehension that she may be harmed at any point of time in order to tamper with evidence. It is further submitted that deceased went to hospital on 10.08.2021 for his treatment and was declared fit for statement and was sent home. Next day, again his health deteriorated and he was taken to hospital where he died. It is submitted that IO did not record statement of deceased during this period. Further, other co-accused have been kept in column no.12 in the chargesheet and have not been arrested.

4. On the other hand, it is submitted by counsel for the accused that neither accused nor any of his friends ever chased complainant. It is submitted that MLC was part of chargesheet and after perusal of all the documents, the accused was granted bail. It is submitted that even if new evidence has come on record, it does not change gravity of the offence. Further, this video footage has come on record after framing of charge even.

5. I have heard both the sides and gone through the record of the case.

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6. The video footage which was recovered and traced from the mobile of accused was played in the court. In the video footage, it could be seen that deceased Pradeep has been made completely naked and he is lying on ground where accused Brijkant with a CCL are giving beatings to him. There are two spectators in the background who were alleged to be untraced. Accused Brijkant is giving beatings to deceased with a dry stem of a tree or bush. Deceased is pleading for help. Needless to say that the third person who made video footage is not directly identifiable known and police have recorded confession of those persons who have been kept in column no.12.

7. Murder is heinous offence in any legal system, it is non bailable offence. However, the court may grant bail in a murder case in case prosecution is unable to establish a strong case against the accused. It happens in those cases where there is no direct evidence linking the accused to the crime or where there is no eye witness. In case where there is lack of strong prima facie case against accused, it may be a ground for bail. Further, in such cases where a false motive may be a probability, bail may be granted.

8. However, in those cases where there is direct, cogent established evidence against the accused, the Courts are reluctant in giving bails in such matters. Further where fresh evidence comes, it is also a ground for cancellation of bail.

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9. A bare perusal of the order for bail dated 15.11.2022 would show that it was pleaded by defence counsel that there was no direct evidence against the accused and it is based on circumstantial evidence. Further, it is mentioned in para 4 of the order that accused was not involved in the murder and he is falsely implicated. Hence, the bail was granted on the premise that there was no direct evidence against the accused but now the FSL report is filed and there is a video footage which shows the direct involvement of the accused Brijkant in the murder of deceased Pradeep.

10. The manner of commission of crime is horrendous. The accused made the deceased completely naked in a public place as could be seen in video footage. There are spectators who are watching this incident but accused had no fear of any spectators and has continued to give beatings to the deceased. This shows the mindset of the accused. The accused knowingly and deliberately committed the crime without concern for legal consequences. Further, there are 56 different type of injuries on his body which shows the extreme violence and sadistic intent of the accused. Victim was given beatings by making him naked in open place which shows the extreme humiliation and pain victim would have undergone.

11. It was a gruesome murder where victim was tortured in a public place by making him naked by inflicting multiple

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injuries with different type of weapons and accused deserves no leniency from the court.

12. In the circumstances, application for cancellation of bail is allowed and his bail is hereby cancelled. He is hereby taken into custody.

Copy be given dasti.

Now to come up on 18.03.2025 i.e. date already fixed.

(Twinkle Wadhwa)
ASJ-02(NE)/ KKD/Delhi
11.03.2025/ap