

SC No. 57701/16
FIR No. 567/11
PS Narela
State Vs. Islam etc.

18.12.2018

Present: Ms. Neeta Gupta, Ld. Additional PP for the State.
Accused Rajinder produced from JC.
All other accused produced from JC (on bail in this case)
Sh. Deepak Sharma, Amicus Curiae for accused Sunil and
Satish.
Sh. Rahul Sharma, counsel for accused Islam and Mohd.
Jacky.
Sh. Shiva Handa, Id. Counsel for accused Rajender.
IO Inspector Abhinender Jain.

Summons issued to PW Dalip through IO has not been received back. IO submits that the summon was not handed over to him by VB Incharge who verbally informed him that the summon has been misplaced.

An application u/s 311 Cr.P.C moved by the IO and duly forwarded by Ld Additional P.P for adding HC Sukhbir Singh No. 468 in the list of witnesses is pending for disposal.

Heard. Ld defence counsels have mainly argued that statement of HC Sukhbir Singh has not been recorded u/s 161 Cr.P.C during investigation and now by way of present application prosecution intends to fill the lacunae.

On the other hand, Ld Additional P.P has argued that HC Sukhbir Singh is the first IO, who reached at the spot on receipt of DD entry and as such his statement u/s 161 Cr.P.C was not required to be record. She further submits that name of HC Sukhbir Singh could not be inadvertently added in the list of witnesses.

HC Sukhbir Singh being the first IO is the relevant witness. Hence the application is allowed. Name of HC Sukhbir Singh be added in the list of witnesses at serial No. 36. Application is disposed off accordingly.

Put up for P.E on 08.02.19 & 14.02.19. Issue fresh summons to PW Dalip through IO, summons to HC Sukhbir Singh and show cause to VB Incharge with directions to appear in person for 08.02.19. Issue summons to 2nd IO for both the dates.

(Sukhvinder Kaur)
Addl. Sessions Judge: 04 (North)
Rohini Courts: Delhi: 18.12.2018