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IA No. 01/23 in SC No. 283/2018
STATE Vs. Balram @ Ballar
FIR No. 75/2018
P.S. Narela
U/s 302/365/201/34 IPC

13.06.2024

This is an application **under Section 439 Cr.P.C** for grant of **regular bail** moved on behalf of the **applicant/accused Balram @ Ballar**, placed before me being Vacation Judge in terms of Order No. 19490-19546/F2(9)/Judl./Vac/North/2024 dated 28.05.2024 of the Ld. Principal District & Sessions Judge, North District, Rohini Courts, Delhi.

Present: Mr. Nishant Kumar, Ld. Additional PP for the State.

Mr. Sudeep Sharma, Ld. Dy. LADC Counsel for
applicant/accused.

Mr. Vaibhav Jindal, Ld. Counsel for complainant.

SI/Rakesh.

Reply to the bail application filed by IO. Copy supplied.

1. Brief facts of the case are that on 27.01.2018, one boy Pradeep @ Deepu went missing and after 10 to 15 minutes the father/ complainant Mehar Singh called on his mobile number and his son responded that he would be returning soon but did not

return and his mobile was found switched off. When despite efforts, his son could not trace out on 01.02.2018, he lodged a missing report vide DD No.36A and an initial FIR was registered under Section 365 IPC. During the course of investigation, it transpired that the accused Balram @ Ballar had allegedly committed murder of Pradeep on the night of 27.01.2018 and disposed off the dead body near Mukul Garden Forest Area, Sonipat, Haryana with the help of another co-accused Raju @ Chotu. Eventually, Section 302 IPC read with Section 201 IPC had been incorporated.

2. It is argued by Ld. Counsel for the applicant/accused has been falsely implicated in the present case. That applicant/accused was enlarged on interim bail by the HPC Guidelines dated 11.05.2021. That he has already been in custody over a period of 05 years. That there is no cogent evidence which has been produced by the prosecution to link the accused with the offence. That applicant is ready to abide by all the terms and conditions. It is prayed that a lenient view be taken.

3. Ld. Additional PP for the State assisted by Ld. Counsel for the complainant vehemently opposed the bail application submitting that the allegations levelled against the applicant/ accused are very grave and serious in nature.

4. Heard. Record perused.

5. On 27.01.2018, one boy Pradeep @ Deepu went missing and after 10 to 15 minutes the father/ complainant Mehar Singh called on his mobile number and his son responded that he would be returning soon but did not return and his mobile was found switched off. When despite efforts, his son could not trace out on 01.02.2018, he lodged a missing report vide DD No.36A and an initial FIR was registered under Section 365 IPC. During the course of investigation, it transpired that the accused Balram @ Ballar had allegedly committed murder of Pradeep on the night of 27.01.2018 and disposed off the dead body near Mukul Garden Forest Area, Sonipat, Haryana with the help of another co-accused Raju @ Chotu.

As per the postmortem report bearing no. 142/18, BSA Hospital, it has been mentioned vide a subsequent opinion given by the concerned doctor that injury no.1 could be possible by the chunni which was examined and injuries no.2 to 17 were possible with the danda which has been examined. The said weapon of offence had been recovered at the instance of the accused. Even the ECO Car which was used in the commission of offence had been recovered at his instance. The dead body of the victim, which was buried by the accused was also recovered at the instance of accused and the place was within his special knowledge. There are statements of witnesses and specifically PW9 Anil who has categorically stated about the factum of a quarrel between the accused and the deceased and the deceased was *last seen* with the

accused by the public witnesses soon before his death. Although, this Court is mindful of the fact that at this stage of bail, the evidence cannot be appreciated as that shall remain a matter of trial, but seeing the totality of facts and circumstances of the case and gravity of the offence, no case is made out for grant of bail at this stage. **Accordingly, the bail application of applicant/accused Balram @ Ballar stands dismissed.**

Application stands disposed off.

6. *It is clarified that nothing stated herein shall tantamount to an expression of opinion on the merits of the case.*

7. Copy of the order be given *dasti* to the Ld. Counsel for the applicant/accused as well as be sent to concerned IO, concerned Jail Superintendent, Ld. Secretary, DLSA (North), through all possible modes, as per rules.

(Shefali Sharma)
Vacation Judge/ASJ-02(North)
Rohini Courts Delhi/13.06.2024