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IA No. 26/2024 in SC 57319/2016
STATE Vs. UDAYVEER SINGH
FIR No. 1225/2015
P.S. KNK MARG
U/S 302/364/365/201/120B 34 IPC

12.09.2024

This is an application under Section 483 BNSS for grant of bail moved on behalf of applicant/accused Udayveer Singh.

Present:- Ms. Promila Singh, Ld. Additional PP for the State.

Applicant in person on interim bail.

Mr. Deepanshu, Id. Counsel for applicant/accused (through VC).

Further arguments on clarification heard.

Ld. Counsel has placed on record true copy of the order dated 03.07.2024 passed by the Hon'ble High Court of Delhi.

Reply to the bail application has already been filed and arguments heard from Ld. Addl. PP for the State and from Ms. Dolly Sharma and Mr. Deepanshu, Id. Counsels for applicant/ accused.

Various grounds for seeking bail have been mentioned in the application, which have been duly considered.

1. In the nutshell, it was argued by Id. Counsel for the applicant/accused that the accused has been falsely implicated in the present case merely on the disclosure of other co-accused as he was a poor person and driver of the deceased. That material prosecution witnesses have already been examined. That no recovery of the car or

any money had been made from him. Other co-accused is already enlarged on bail by Hon'ble High Court vide order dated 03.07.2024. That the present accused has been running in JC for the past more than 07 years and it is prayed that lenient view may be taken.

2. Ld. Additional PP for the State vehemently opposed the bail application submitting that the allegations levelled against the applicant/accused are very grave and serious in nature and no ground for grant of bail is made out.

3. Briefly stated, the present FIR had been registered initially under Section 365 IPC on the missing complaint of family member of one Virender Yadav. Subsequently, his headless dead body was found at two different places near Aonla Barelli, UP. Thereafter, after due investigation, Section 302/201 IPC read with Section 120B IPC had been incorporated and the applicant/ accused Udayveer Singh, who was the driver of the deceased at the relevant time had been apprehended.

4. As per the CDR of the mobile phone bearing no. 7500935825 in the name of the accused Udayveer Singh, it was reflected that his location was in the area of Muradabad at the relevant time, where the murder had been allegedly committed and thereafter, in the area of Aonla Barelli, where parts of the body were thrown in the intervening night of 5/6.07.2015. Not only this, as per the allegations in the charge-sheet, it transpires that applicant/accused deliberately got a false advertisement published for requirement of maid in the newspaper daily

Amar Ujjala and fake mobile numbers were given by him on 29.07.2015 so as to allegedly mislead the family members of deceased. There are also allegations that in order to fabricate evidence, applicant along with co-accused after committing the murder, chopped the body into parts and threw it at different places and also signed a fake slip at the petrol pump in the signatures of the deceased, which had been sent to FSL.

5. As per the report of the IO, the DNA profiling result of the various body parts confirmed to be that of Virender Yadav and the vehicle used i.e. the Tata Safari in the transportation of the body had also been recovered along with keys, RC, parking slip and the mobile phones of the accused persons used during the commission of the crime.

6. As regards the ground of parity sought qua co-accused Rajender, it is pertinent to mention that the mobile of the victim was being used by one Dharmender, who stated that the same was given to him by applicant Udayveer. The deceased was living with the family of the applicant till 04.07.2015 at the house which had been given by the deceased to the applicant. Further, there was explicit expressed suspicion against the applicant Udayveer even in the initial FIR made by the complainant. Also, the Hon'ble High Court had taken a lenient view considering that co-accused Rajender is a HIV patient and his wife is also a cancer patient. The applicant/accused has played an active role in the offence, as is revealed from the story of the prosecution and thus, no grounds for parity are as such made out. The regular bail applications of the applicant/accused had been dismissed earlier by this court.

7. Seeing the totality of the facts and circumstances, the role assigned to the accused and gravity of the offence, no ground for bail is made out and application stands **dismissed**.

Accordingly, the application is disposed off.

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

9. 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)
Addl. Sessions Judge-02(North)
Rohini Courts Delhi
12.09.2024