

SC 110/2023
STATE Vs. HEMANT GUPTA @ HEMU ETC (2)
FIR No. 634/2022
PS Swaroop Nagar
U/s.302/34 IPC

06.05.2026

File taken up today on 2nd application U/s. 483 BNSS for grant of bail moved on behalf of applicant/accused **Lokesh Kumar.**

Present: Sh. J. S. Malik, Ld. Addl. PP for the State.
Sh. C. M. Sangwan, Ld. Counsel for applicant/accused.
IO/Inspector Kaushlesh Kumar Jha in person.

Reply to the above said application has been filed by IO. Same is taken on record. Copy of the same supplied to Ld. Counsel for applicant/accused.

Ld. Counsel for applicant/accused submits that applicant/accused is in JC since 15.03.2022 and he has been falsely implicated in the present case. It is further submitted that applicant/accused has nothing to do with the alleged offence, but he was falsely implicated in the present matter by the police officials in connivance of the complainant. It is further submitted that present case is at the stage of evidence and four public witnesses are being examined till now but their examination in chief is still pending due to pending FSL result/case property. That the witnesses statement are not consistent with the previous statement and same could not be relied upon for continue incarceration of the applicant/accused. It is further submitted that

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PW- 2 Shubham Pandey during his examination in chief has categorically stated that he could identify the accused persons as there was dark at the spot and also his spectacle was fallen down, same fact was appreciated by the Hon'ble High Court and granted regular bail to the co-accused. It is further submitted that trial will take a long time and not fruitful purpose would be served to keep the applicant/accused behind the bars. It is further submitted that no application of applicant/accused is pending either before any other Court including Superior Courts. It is prayed that above said application may kindly be allowed.

On the other hand, Ld. Additional PP for State strongly opposed the bail application and submitted that allegations against the applicant/accused are serious in nature. It is prayed that the above said application may kindly be dismissed.

This court has given thoughtful consideration to the submissions made by Ld. counsel for applicant/accused and Ld. Additional PP for State and has also perused the record placed before the same.

Perusal of the record shows that vide order dated 12.04.2024 charges for the offences punishable U/s. 302/34 IPC & U/s. 27 Arms Act has been framed against applicant/accused **Lokesh Kumar** and his co-accused persons. The allegations

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against applicant/accused **Lokesh Kumar** are that he alongwith his co-accused persons, in furtherance of their common intention, committed murder of one Dheeraj @ Nanhe by causing gun shot injuries. Perusal of the record shows that matter is at the stage of PE. It is not in dispute that one of the eye witness has not supported the prosecution version and he has not been identified applicant/accused **Lokesh Kumar**, however, it is pertinent to mention that applicant/accused **Lokesh Kumar** has been identified by the other eye witnesses as the offender who had fired gunshots towards deceased. Therefore, applicant/accused **Lokesh Kumar** cannot be treated on parity with co-accused, who has been granted bail. Many other eye/material witnesses are yet to be examined. Releasing applicant/accused at this stage may result in serious threats to the eye/material witnesses.

Keeping in view of the above discussion as well as seriousness of allegations against applicant/accused **Lokesh Kumar**, this court is not inclined to grant bail to applicant/accused **Lokesh Kumar**. Bail application is accordingly, dismissed.

Nothing stated herein shall tantamount to any expression of opinion the merits of the case. **Copy of order be given dasti to**

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the applicant/accused. The present bail application file be tagged with the main case file.

(Sushil Kumar)
Addl. Sessions Judge- 04
North District Rohini Courts Delhi
06.05.2026

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File taken up today on 3rd application U/s. 483 BNSS for grant of bail moved on behalf of applicant/accused **Hemant Gupta @ Hemu.**

Present: Sh. J. S. Malik, Ld. Addl. PP for the State.
Sh. Sujit Kumar, Ld. Counsel for applicant/accused.
IO/Inspector Kaushlesh Kumar Jha in person.

Reply to the above said application has been filed by IO. Same is taken on record. Copy of the same supplied to Ld. Counsel for applicant/accused.

Ld. Counsel for applicant/accused submits that applicant/accused is in JC since 10.11.2022 and he has been falsely implicated in the present case. It is further submitted that the allegation against the applicant/accused by police officials is nothing but a figment of wild imagination of the concerned police officials as applicant/accused neither has committed any crime except helping police officials in their investigation. It is further submitted that applicant/accused had no motive, he has been alleged to have been involved in an altercation with Shubam. It is further submitted that no intention of the applicant/accused to commit the alleged incident and not criminal conspiracy, not was planning and applicant/accused and complainant was not known to each other. It is further submitted

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that present case is at the stage of evidence and out of 43 only 3 material witnesses are examined and cross examined. It is further submitted that there is nothing on record to indicate that the applicant/accused was involved in the alleged commission of the offence and none of the eye witnesses have stated that the applicant/accused shown any aggression towards the deceased or was involved in any physical altercation with his friends. It is further submitted that trial will take a long time and no fruitful purpose would be served to keep the applicant/accused behind the bars. It is further submitted that no application of applicant/accused is pending either before any other Court including Superior Courts. It is prayed that above said application may kindly be allowed.

On the other hand, Ld. Additional PP for State strongly opposed the bail application and submitted that allegations against the applicant/accused are serious in nature. It is prayed that the above said application may kindly be dismissed.

This court has given thoughtful consideration to the submissions made by Ld. counsel for applicant/accused and Ld. Additional PP for State and has also perused the record placed before the same.

Perusal of the record shows that vide order dated

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12.04.2024 charges for the offences punishable U/s. 302/34 IPC & U/s. 27 Arms Act has been framed against applicant/accused **Hemant Gupta @ Hemu** and his co-accused persons. The allegations against applicant/accused **Hemant Gupta @ Hemu** are that he alongwith his co-accused persons, in furtherance of their common intention, committed murder of one Dheeraj @ Nanhe by causing gun shot injuries. Perusal of the record shows that matter is at the stage of PE. It is not in dispute that one of the eye witness has not supported the prosecution version and he has not been identified applicant/accused **Hemant Gupta @ Hemu**, however, it is pertinent to mention that applicant/accused **Hemant Gupta @ Hemu** has been identified by the other eye witnesses as one of the offenders who had come on a motorcycle and had committed murder of deceased. Many other eye/material witnesses are yet to be examined. Releasing applicant/accused **Hemant Gupta @ Hemu** at this stage may result in serious threats to the eye/material witnesses.

Keeping in view of the above discussion as well as seriousness of allegations against applicant/accused **Hemant Gupta @ Hemu**, this court is not inclined to grant bail to applicant/accused **Hemant Gupta @ Hemu** Bail application is accordingly, dismissed.

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Nothing stated herein shall tantamount to any expression of opinion the merits of the case. **Copy of order be given dasti to the applicant/accused.** The present bail application file be tagged with the main case file.

(Sushil Kumar)
Addl. Sessions Judge- 04
North District Rohini Courts Delhi
06.05.2026