

IA No. 14/2024 in SC 181/2022
STATE Vs. Sunil @ Sonu
FIR NO. 873/2021
PS S.P. Badli
U/s 302/34 IPC

16.08.2024

This is an application under Section 483 BNSS for grant of bail moved on behalf of applicant/accused Sunil @ Sonu.

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

Reply to the bail application has already been filed.

Arguments have already been heard from Ld. Addl. PP for the State and from Mr. Sarthak Tomar, Id. Counsel for applicant/accused.

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

1. Briefly stated, on 21.11.2021, a PCR call vide DD No. 39A regarding quarrel in Master Mohalla, Samaypur was received at PS SP Badli. On receipt of the same, IO SI Sandeep Sandhu reached at the spot where it was found that two injured persons were taken to BJRM Hospital, Jahangirpuri, Delhi where injured namely Abhishek@ Monu s/o Sunil Yadav r/o Village Samaypur, Delhi age 33 years and the other injured namely Hukum Chand S/o Laxmi Narayan R/o A-76/2, Gali No 3, Jeewan Park, Siraspur, Delhi age 32 years were under treatment on MLC No 187698/21 and MLC No 187697/21 respectively. Thereafter an information vide DD No, 63A was also received from Monu. The complainant and other witnesses stated that Hukum Chand asked to Abhishek @Monu to reach to his house where he will return borrowed money. When they reached near the home of accused Hukam

Chand, he started behaving violently. Thereafter, Hukum Chand's brother Sunil @ Sonu & Harish @ Piluwa came there with cricket bat and danda and Hukum Chand and his brother Sunil @ Sonu & Harish @ Piluwa started beating Abhishek @ Monu with cricket bat and danda. Thereafter, accused Sunil @ Sonu's wife Meena also joined them and started beating Abhishek @ Monu with danda. Abhishek fell unconscious and succumbed to his injuries.

2. It is argued by Ld. Counsel for the applicant/accused that accused is running in JC since 22.11.2021. That most of the witnesses have not supported the case of the prosecution. That there is no motive of the applicant to assault the deceased neither was he named being present on the spot, infact, he was called later on by his brother Hukum Chand, who was also injured in the incident to rescue him and has been falsely implicated in the present case. It is prayed that a lenient view be taken.

3. Ld. Additional PP for the State has 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. I have also perused the report filed by the IO.

5. On 21.11.2021, a PCR call vide DD No. 39A regarding quarrel in Master Mohalla, Samaypur was received at PS SP Badli. On receipt of the same, IO SI Sandeep Sandhu reached at the spot where it was found that two injured persons were taken to BJRM Hospital, Jahangirpuri, Delhi where injured namely

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The postmortem report no. 1072/21 reveals that *cause of death is shock as a result of head injury consequent upon blunt force object. Injury no.14 (undisplaced fracture of the right temporal bone with extravasations of blood at the fracture side present subdural and sub-arachnoid hemorrhage is seen in the right temporal lobe of the brain) is sufficient to cause death in ordinary course of nature.* Subsequent opinion has been obtained from Autopsy Surgeon, BJRM Hospital, who gave opinion that *injury no.1, 3, 4, 8, 9, 10, 11, 12, 13 and 14 mentioned in the postmortem report is possible to be caused by the said cricket bat and injury no.5 & 6 mentioned in the postmortem report is possible to be caused by the bamboo stick and injury no.2 & 7 are caused due to friction against rough surface.*

The weapon of offence i.e. cricket bat and a danda have also been recovered at the instance of accused persons.

PW6 Aman Yadav has categorically named the applicant/accused having been beaten his brother/deceased. One of the material witnesses PW Ankush, who is also complainant, is still under examination.

6. In view of the gravity of the offence, active role played by the accused and owing to the totality of the facts and circumstances and the above said discussion, no ground for grant of bail is made out at this stage. The bail application accordingly **dismissed**.

Application stands disposed off.

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

8. 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
16.08.2024