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IA No. 11/2024 in SC 367/2019
STATE Vs. JITENDER @ JITU
FIR No. 164/2019
P.S. Bhalaswa Dairy
U/s 302/307/34 IPC

14.08.2024

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

Present:- Ms. Promila Singh, Ld. Additional 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. Sushant Rao, Id. Counsel for applicant/accused.

Various grounds for seeking bail have been mentioned in the application, which have been duly considered, however, the same are not being reproduced herein for the sake of brevity.

1. Brief facts of the case are that on 30.03.2019, on receipt of DD No. 71A, SI Sumit alongwith HC Anil reached at the spot i.e. near Shani Mandir, Mangal Bazar Road, Bhalaswa Dairy, New Delhi, where they came to know that injured have already been removed to BJRM Hospital. Thereafter, SI Sumit after leaving HC Anil at the spot went at BJRM Hospital, where injured persons namely Deepak and Charan Singh were found admitted. Both the injured persons could not give their statements due to pain. Doctor had produced pulanda of clothes alongwith sample seal to SI Sumit. Thereafter, SI Sumit reached at Ambedkar Hospital, as both the injured persons were referred to

Ambedkar Hospital, Rohini, where injured Deepak was kept under treatment in Ambedkar Hospital, whereas injured Charan Singh was referred to LNJP Hospital. Thereafter, SI Sumit reached at LNJP Hospital and recorded the statement of injured Charan Singh, which reads as under:

“That he is doing the work of servicing of vehicles. On 29.03.2019, at about 8:30 pm, after taking dinner, he was standing outside his house, then his younger son Ajay came to him and told him that some boys had beaten him. Thereafter, in order to make those boys understand, he went towards Drum wala godown, where he found Deepak, son of his relative Chaman Singh lying on the ground and blood was oozing. Thereafter, he made noises and when he picked up said Deepak, then Lucky S/o Radhey Shyam came there alongwith his associates and stated that “Yeh bahut chilla raha hai, Deepak ko to thik kar diya, wa isko thik karte hain.” Thereafter, he had attacked him with knife in order to kill him. Thereafter, he fell down on the ground. Thereafter, he does not know what had happened.”

2. It is argued by Ld. Counsel for the applicant/accused that accused has been falsely implicated in the present case. That the investigation is complete and chargesheet has already been filed and co-accused has already been enlarged on bail. That the accused was not named in the charge sheet and no recovery was effected from him. That in fact it is applicant/accused, who had first called at 100 number. That accused 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 vehemently opposed the bail application submitting that the allegations levelled against the applicant/accused are very serious in nature.

4. Heard. Record perused.

5. On 30.03.2019, on receipt of DD No. 71A, SI Sumit alongwith HC Anil reached at the spot i.e. near Shani Mandir, Mangal Bazar Road, Bhalaswa Dairy, New Delhi, where they came to know that injured have already been removed to BJRM Hospital. Thereafter, SI Sumit after leaving HC Anil at the spot went at BJRM Hospital, where injured persons namely Deepak and Charan Singh were found admitted. Both the injured persons could not give their statements due to pain. Doctor had produced pulanda of clothes alongwith sample seal to SI Sumit. Thereafter, SI Sumit reached at Ambedkar Hospital, as both the injured persons were referred to Ambedkar Hospital, Rohini, where injured Deepak was kept under treatment in Ambedkar Hospital, whereas injured Charan Singh was referred to LNJP Hospital. Thereafter, SI Sumit reached at LNJP Hospital and recorded the statement of injured Charan Singh

Ld. Counsel for the applicant has argued on the ground of parity as the other co-accused Sharvan @ Lucky is enlarged on bail. However, no ground for parity is made out since applicant/accused was absconding and apprehended subsequently and there is every possibility if released on bail, he may again flee away. and thus, no ground for parity is made out. The main allegations of stabbing Deepak are also

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against the applicant/accused.

Earlier bail application of the applicant/accused has already been dismissed by this Court.

6. Seeing the totality of the fact and circumstances and the gravity of the offence, no ground for grant of bail is made out at this stage. The bail application accordingly **dismissed**.

Application is disposed off accordingly.

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, by the court staff.

(Shefali Sharma)
Addl. Sessions Judge-02(North)
Rohini Courts Delhi
14.08.2024