

SC 436/2021
STATE Vs. SUSHIL KUMAR ETC (13)
FIR No. 218 /2021
PS Crime Branch-North Delhi
U/s: 302/307/308/364/365/452/323/342/188/
269/147/148/149/506(II)/392/394/397/411/201/109/120B/34 IPC
U/s 25(1)(B)/27(1)Arms Act

11.08.2023

Present: Sh. Atul Srivastav, Ld. Special PP for State and Sh. Pankaj Kumar Ranga, Ld. Addl. PP for the State.
Sh. Shrikant Sharma, Ld. counsel for Ashok Dhankad, complainant (father of deceased) .
Sh. Anuj Kumar, ld. counsel for accused Ravinder @ Bhinda.
IO/Insp. Mangesh Tyagi from ARSC/Crime Branch is present.

Accused Sushil Kumar (A1) on interim bail (Through VC).

Accused Prince (A2) produced from JC (Rohini Jail) (Through VC).

Accused Ajay Kumar (A3) produced from JC (Rohini Jail) (Through VC).

Accused Mohit @ Bholi (A4) produced from JC from Jhajjar Jail (Through VC).

Accused Manjeet @ Chunnilal (A5) produced from JC, CJ-08, (Through VC).

Accused Gulab (A6) produced from JC, CJ-03, (Through VC).

Accused Bhupender @ Bhuppi (A7) produced from JC from Jhajjar Jail (Through VC).

Accused Rohit Malik @ Sonu (A8) produced from JC (Rohini Jail) (Through VC).

Accused Bijender @ Binder (A9) produced from JC, CJ-03, Tihar, Delhi,(Through VC).

Accused Anirudh Dahiya (A10) produced from JC (Rohini Jail) (Through VC).

Accused Subhash (A11) produced from JC, CJ-1, Tihar, Delhi,(Through VC).

Accused Gaurav Laura (A12) produced from JC, CJ-3, Tihar, Delhi,(Through VC).

Accused Surjeet Grewal @ Kala (A13) produced from

JC, CJ-1, Tihar, Delhi,(Through VC).

Accused Anil Dhiman (A14) produced from JC, Rohini Jail (Through VC).

Accused Praveen Dabas S/o Late Sh. Sahib Singh (A15) produced from JC, Rohini Jail (Through VC).

Accused Praveen @ Choti S/o Sh. Satpal @ Sattu (A16) produced from JC, Rohini Jail (Through VC).

Accused Rahul @ Dhanda (A17) produced from JC, Rohini Jail (Through VC).

Accused Parveen Dabas S/o Suresh @ Gunia (A18) produced from JC, Rohini Jail (Through VC).

Accused Joginder @ Kala (A19) S/o. Satbir Singh produced from JC, CJ-8, Tihar, Delhi,(Through VC).

Accused Ankit Dabas (A20) S/o. Surrender produced from JC, Rohini Jail (Through VC).

Accused Vinod (A21) in person on bail.

Sh. R. S. Malik, Ld. counsel for accsued Sushil.

Ms. Swati Rathi, Ld. Counsel for accused Prince.

Ms. Shivali Gautam, Ld. Amicus Curaie for accused Surjeet Grewal @ Kala.

Mr. Sumit Shokeen, Ld. Counsel for accused Ajay, Parveen Dabas S/o. Sahib Singh, Anil Dhiman, Bijender @ Binder, Gulab, Parveen @ Choti, Mohit @ Bholi, Manjeet, Bhupender @ Bhupi, Subhash, Gaurav Laura, Vinod and Rohit Malik.

Sh. Sahil Khurana, Ld. Counsel for accused Parveen Dabas S/o. Suresh.

Sh. Himanshu Rana, Ld. Counsel for accused Anirudh Dahiya.

Sh. Sanjeev Kumar, Ld. Counsel for accused Ankit Dabas and Joginder @ Kala.

Sh. Abhijeet Mathur, Ld. Counsel for accused Rahul @ Dhanda.

Matter is listed today for PE.

PW 4 Sh. Amit Kumar @ Khaggad is present. He has been recalled for further cross examination by Ld. Additional PPs for State. He is further cross examined and his further cross examination is deferred as a CD containing relevant CCTV footages is not getting

played on the computer system due to some software issue despite taking assistance from Computer Branch. IO is directed to make arrangement for playing the CD on the next date of hearing. PW 4 is bound down for the next date of hearing.

PW 7 Sh. Ashok Sharma is also present and he has been recalled for further examination in chief. He is further examined-in-chief, cross examined by Ld. Additional PPs for State with the permission of the court, not cross examined by Ld. counsels for accused persons despite opportunity and discharged.

No other PW is present today.

Issue summons to PWs whose names mentioned in the list of **witnesses at serial no. 8, 9, 20, 39 & 114** for the next date of hearing.

Concerned Jail Superintendents are directed to produce accused persons through VC on the next date of hearing. **Copy of this order be sent to concerned Jail Superintendents for compliance.**

In-charge of Vulnerable Witness Room and Chowki In-charge, Police Post, Rohini Court are also directed to make the necessary arrangements on 19.09.2023, 21.09.2023 and 22.09.2023 at 12:30 P.M. for the recording of evidence.

Copy of this order be sent to the concerned DCPs, IO as well as Incharge of Vulnerable Witness Room and Chowki In-Charge, Police Post, Rohini Court for information and compliance.

Ld. counsel for accused Sushil Kumar submitted that interim bail application of accused Sushil Kumar is also pending. Same is disposed off as dismissed vide separate order even date.

It is submitted by Ld. counsel for accused Subhash that an application for release of mobile phone moved on behalf of accused Subhash is pending on record, however, he wants to withdraw the said

application with the liberty to move fresh application at appropriate stage.

In view of the submissions of Ld. counsel for accused Subhash, application moved on his behalf for release of mobile phone is hereby dismissed as withdrawn.

It is pointed out by Ld. counsel for PW Ravinder Bhinda that an application moved on behalf of PW Ravinder Bhinda for release of mobile phone is also pending on record. **Same has been fixed up for arguments on 19.08.2023.**

It is informed by the Court Staff that another application for cancellation of superdari of vehicle no. DL 8C AY 6206 make Honda City is also pending on record. However, none has appeared on behalf of applicant today. Same be listed for consideration on next date of hearing i.e. **19.09.2023.**

(Sushil Kumar)
Addl. Sessions Judge- 04
North District Rohini Courts Delhi
11.08.2023

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11.08.2023

Present: Sh. Pankaj Kumar Ranga, Ld. Addl. PP for the State.
Sh. R. S. Malik and Sh. Sumeet Shokeen, Ld. counsels
for applicant/accused.
IO/Insp. Mangesh Tyagi from ARSC/Crime Branch is
present.

Vide this order, this court shall decide an application U/s.
439 Cr. P. C for extension of interim bail moved on behalf of
applicant/accused **Sushil Kumar**.

Reply to the above said application has already been
filed by IO.

Ld. counsel for applicant/accused that this Hon'ble Court
was granted the interim bail to applicant/accused on the ground of
surgery of applicant/accused. It is further submitted that
applicant/accused got admitted in BLK Max Super Speciality Hospital
on 30.07.2023 and the right knee surgery of the applicant/ was
performed on 03.08.2023 and the applicant/accused was discharged
from hospital on 05.08.2023. It is further submitted that
applicant/accused has been advised by the doctors to undergo strict
bed rest for atleast six weeks and the applicant/accused has been
advised by the doctors not to walk or even put weight on the right
knee owing to the recent surgery, otherwise the knee of the
applicant/accused might be permanently damaged. It is prayed that the
above said application may kindly be allowed.

On the other hand, Ld. Additional PP for State strongly opposed the above said application and submitted that allegations against the applicant/accused are serious in nature. It is submitted that surgery of applicant/accused has already been conducted on 03.08.2023 and he has already been discharged from the hospital . It is further submitted that the doctor from BLK Max Hospital has opined that he is required to take complete bed rest for six weeks, however, no such rest is actually required by applicant/accused Sushil Kumar, it is therefore, prayed that 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.

It is pertinent to mention that an application for grant of interim bail on the ground of surgery of applicant/accused Sushil Kumar owing to tear of anteromedial bundle of anterior cruciate ligament (ACL) was allowed by this Court vide order dated 19.07.2023 and he was released on interim bail for a period of one week w.e.f 23.07.2023 to 30.07.2023. However, later on it was informed that the surgery which was scheduled for 26.07.2023 could not be performed due to non clearance from Psychiatrist Department, therefore, interim bail of applicant/accused Sushil Kumar was extended by this Court till 08.08.2023 vide order dated 01.08.2023.

This Court has now been informed that the surgery of his knee has already taken place successfully on 03.08.2023 and he has been discharged from the hospital on 05.08.2023. Ld. counsel for applicant/accused Sushil Kumar has argued that now the doctors at BLK Max Hospital opined that six weeks complete bed rest is

required for the applicant/accused Sushil Kumar to completely recover. It is pertinent to mention that in the interim bail order dated 19.07.2023 , this Court had specifically mentioned that prior to his surgery at BLK Max Hospital, applicant/accused Sushil Kumar was also referred to Sport Injury Center at Safdarjung Hospital, New Delhi. Perusal of the said documents also reveal that applicant/accused was suffering from partial ACL tear right knee and he needed elective surgery for the same. Perusal of the said documents prepared by doctors at Safdarjung Hospital also shows that on 04.07.2023, Dr. Deepak Joshi , MS Ortho, Professor & Consultant, Sport Injury Center, VMMC and Safdarjung Hospital New Delhi had also given his opinion that applicant/accused Sushil Kumar '*may need maximum of two weeks rest after surgery*'. Thus, it appears that present application for extension of interim bail for applicant/accused Sushil Kumar has been moved without any reason and without having any merits. Further, the surgery of applicant/accused Sushil Kumar was conducted on 03.08.2023 i.e. around eight days earlier and if any further complete bed rest is required, it may be taken by him at the hospital situated inside Central Jail, Tihar, Delhi. Central Jail is also equipped with the facilities such as psychotherapy etc. and the applicant/accused may also be sent to Sport Injury Center, VMMC and Safdarjung Hospital for further follow ups. Therefore, this Court does not find any reason for extension of interim bail of applicant/accused Sushil Kumar any further. **Applicant/accused is directed to surrender before concerned Jail Authorities within three days from today. Copy of this order be sent to Concerned Jail Authorities.**

It is also made clear that the entire expenditure of deployment of security persons/police men for keeping surveillance and security of applicant/accused Sushil Kumar, till the date he actually surrenders

within three days from today, shall be borne by the family members of applicant / accused Sushil Kumar and the amount will be deposited as per the norms of concerned Jail Rules Charges and the said amount be deposited with the concerned Jail Superintendent in advance. **Application stands disposed off as dismissed.** Copy of the order be sent to concerned Jail Superintendent for necessary information and compliance. Interim bail application file be tagged with the main file. Copy of the order be also given free of cost to applicant/accused.

(Sushil Kumar)
Addl. Sessions Judge- 04
North District Rohini Courts Delhi
10.08.2023