

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

02.03.2024

*(File taken up today on an application U/s. 439 Cr. P. C for grant of bail moved on behalf of applicant/accused **Praveen Dabas S/o Sh. Sahib Singh**)*

Present: Ms. Promila, Ld. Substitute Addl. PP for the State.
Sh. Sumeet Shokeen, Sh. Ankit Kumar and Sh. Vikram Dagar, Ld. Counsels for applicant/accused.

Ld. Counsel for applicant/accused submitted that applicant/accused is in JC since 25.04.2021 and he has been falsely implicated in the present case. It is further submitted that applicant/accused has no role whatsoever in the offences as alleged in the above-mentioned FIR. It is further submitted that investigation of the present case is already completed and the chargesheet has already been filed. It is further submitted that name of applicant/accused was neither named in the FIR nor in any of the initial statements.

It is further submitted that present case is at the stage of evidence and prosecution has cited 222 witnesses in the present case and even after a trial of almost two and a half years, only 12 witnesses have been examined till date. It is further submitted that the whole case of the prosecution is based on the eye witnesses qua the identity of the accused persons and there is no other eye witness cited by the prosecution in their list of witnesses who is yet to be examined qua the alleged incident in question. It is further submitted that injured

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witnesses as well as eye witnesses have not supported the case of the prosecution and all the said witnesses failed to identify the applicant/accused herein during their examination as witness in the present case. It is further submitted that almost 190 witnesses are yet to be examined in the present case and owing to the heavy board of this Hon'ble Court, the trial of the present case is not likely to be concluded even in next 2-3 years. It is prayed that the above said application may kindly be allowed.

Ld. counsel for applicant/accused has relied upon some case laws i.e. case titled as Shahid Khan vs. State of Rajasthan, Supreme Court Cases (2016) 4 Supreme Court Cases 96, judgment title as "Dataram Singh Vs. State of Uttar Pradesh & Anr." passed by Hon'ble Supreme Court of India duly reported as (2018) 3 SCC 22 and "Sanjay Chandra Vs. Central Bureau of Investigation" passed by the Hon'ble Supreme Court of India duly reported as (2012) 1 SCC 40.

On the other hand, Ld. Additional PP for State and Ld. Counsel for complainant strongly opposed the bail application and submitted that allegations against the applicant/accused are serious in nature. It is further submitted that applicant/accused alongwith other co-accused persons including dreaded criminals of Haryana and Delhi, abducted the victims and committed this offence. It is further submitted that vehicle of applicant/accused was recovered from the spot and as per CDR/IPDR of mobile phone of applicant/accused, the location was found at the spot at the relevant date and time. It is prayed that the above said application may kindly be dismissed.

Perusal of the record shows that vide order dated 15.10.2022, charges for the offences 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 &

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U/s 25(1)(B)/27(1)Arms Act have been framed against applicant/accused and his co-accused persons. Further, present case is at the stage of evidence. It is not in dispute that some of the material / eye-witnesses have not supported the prosecution story in their examination, however, it cannot be overlooked that one of the eye-witness i.e., PW-1 Sh. Sonu @ Jai Bhagwan has correctly identified the present applicant during his examination-in-chief and he also narrated the role played by present applicant/accused Praveen Dabas in commission of the offences alleged against him. Further, the allegations against applicant/accused Praveen Dabas are serious in nature. Keeping in view of the seriousness of allegations leveled against applicant/accused Praveen Dabas as well as seriousness and gravity of offences alleged against him, this Court is not inclined to allow the bail application filed by **applicant/accused Praveen Dabas. Same is dismissed, accordingly.**

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 along with the proceedings be tagged along with main case file.

(Sushil Kumar)

Addl. Sessions Judge- 04

North District Rohini Courts Delhi

02.03.2024