

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/212/34 IPC  
U/s 25(1)(B)/27(1)Arms Act

30.11.2024

Present: Sh. Kumar Sanjay, Ld. Addl. PP for the State.  
Complainant namely Sh. Ashok Dhankad in person.  
Sh. Aditya Verma, Ld. Counsel for complainant.  
IO/Inspector Mangesh Tyagi in person.

Accused Sushil Kumar (A1) produced from JC from Jail  
No. 7 CJ Tihar (Through VC).

Accused Prince (A2) produced from JC from CJ-10 ,  
Rohini Jail **(Through VC)**.

Accused Ajay Kumar (A3) produced from JC from  
CJ-10, Rohini Jail **(Through VC)**.

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

Accused Manjeet @ Chunnilal (A5) produced from  
JC from CJ -8 **(Through VC)**.

Accused Gulab (A6) produced from JC from CJ-3  
**(through VC)**.

Accused Bhupender @ Bhuppi (A7) produced  
from JC from Bhiwani, Haryana **(through VC)**

Accused Rohit Malik @ Sonu (A8) produced from  
JC from CJ-10, Rohini Jail **(Through VC)**.

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

Accused Anirudh Dahiya (A10) produced from JC  
from CJ-10 Rohini Jail **(Through VC)**.

Accused Subhash (A11) produced from JC from CJ-  
1 **(Through VC)**.

Accused Gaurav Laura (A12) produced from JC, CJ-15,  
Mandoli, **(Through VC)**.

Accused Surjeet Grewal @ Kala (A13) produced from  
JC, CJ-1, Tihar, Delhi, **(Through VC)**.

Accused Anil Dhiman (A14) produced from JC from CJ-10, Rohini Jail **(Through VC)**.

Accused Praveen Dabas S/o Late Sh. Sahib Singh (A15) produced from JC from CJ-15 Rohini Jail **(Through VC)**.

Accused Praveen @ Choti S/o Sh. Satpal @ Sattu (A16) produced from JC from CJ-10 Rohini Jail **(Through VC)**.

Accused Rahul @ Dhanda (A17) produced from JC, from CJ-10 Rohini Jail **(Through VC)**.

Accused Parveen Dabas S/o Suresh @ Gunia (A18) produced from JC from CJ-10 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. Surender produced from JC from Rohini Jail **(Through VC)**.

Accused Vinod(A21) S/o Sh. Sunder Singh in person on bail.

Accused persons namely Rajdeep Singh @ Kala (A-22) and Jarnail Singh (A-23) in person.

Sh. R. S. Malik, Ld. Counsel for accused Sushil Kumar.

Sh. Sumeet Shokeen and Sh. Ankit Kumar, Ld.

Counsels for accused persons namely Ajay, Gaurav Laura, Praveen Dabas S/o. Sahib Singh, Bijender @ Binder, Gulab, Praveen @ Choti, Mohit @ Bholi, Manjeet @ Chuni Lal, Bhupender @ Bhupi, Subhash, Rohit Malik, Anil Dhiman, Rajdeep Singh @ Kala and Jarnail Singh.

Ms. Shivali Gautam, Ld. Amicus Curiae for accused Surjeet Grehwal.

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

Sh. Sumit Ghartan and Sh. Nishant Hooda, Ld. Counsels for accused Praveen Dabas S/o. Suresh and accused Rahul @ Dhanda.

Sh. Sanjeev Kumar, Ld. Counsel for accused persons namely Ankit Dabas, Jogender @ Kala & Vinod.

Matter is listed today for PE.

Arguments on the point of charge heard on behalf of accused persons namely Rajdeep Singh @ Kala and Jarnail Singh.

Vide separate order of even date accused persons namely Rajdeep Singh @ Kala and Jarnail Singh have been charges for the offence punishable U/s. 212 IPC.

PW 27 Sh. Mohit Chillar is present. He has been examined-in-chief, cross examined by Ld. Additional PP for State with the permission of the Court, cross examined by Ld. Counsel for accused persons and discharged.

No other PW is present today.

**Issue summons to PWs mentioned in the list of prosecution witnesses at serial no. 10 to 15 for 18.01.2025.**

**Issue summons to PWs mentioned in the list of prosecution witnesses at serial no. 29, 30, 32 to 35 for 20.01.2025.**

Be put up for PE on date already fixed i.e. 18.01.2025 & 20.01.2025.

**In-Charge of Vulnerable Witness Room and Chowki In-Charge, Police Post, Rohini Court are also directed to make the necessary arrangements on 18.01.2025 & 20.01.2025 for recording of evidence.**

**Copy of this order be sent to concerned DCP, IO, Incharge of Vulnerable Witness Room and Chowki In-charge, Police Post, Rohini Court for information and compliance.**

**(Sushil Kumar)  
Addl. Sessions Judge- 04  
North District Rohini Courts Delhi  
30.11.2024**

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/212/34 IPC  
U/s 25(1)(B)/27(1)Arms Act

**30.11.2024**

Vide this order, this Court shall decide the arguments on the point of Charge qua accused persons namely Rajdeep Singh @ Kala and Jarnail Singh.

Arguments heard. Record including main chargesheet as well as supplementary chargegsheet are perused.

Ld. Addl. PP for the State has submitted that the allegations accused persons namely Rajdeep Singh @ Kala and Jarnail Singh are that they from **08.05.2021 till 4-5 days**, provided shelter and harboured accused Sushil Kumar and one more accused at Flat No. 703, Tower Aquila, Taj Tower, Sector 104, SAS Nagar, Mohali, Punjab, which was under their tenancy and occupation despite knowing or having reasons to believe that accused Sushil Kumar and one more accused had committed the offence of murder and they were trying to evade their apprehension and arrest in the present case. It is argued that charges for the offence U/s. 212 IPC is clearly made out against them and they may be charged for the said offence.

On the other hand, Ld. Counsel for accused persons namely Rajdeep Singh @ Kala and Jarnail Singh have argued that allegations against both the accused persons are false and they are innocent. It has been argued that accused persons have been falsely implicated in the present case in connivance with the police officials as well as

complainant. It is further argued that police has not investigated the present case properly and fake witnesses have been cited as in the list of prosecution witnesses. It is further submitted that charge for the offences punishable U/s. 212 IPC are not made out against accused persons, therefore, they may kindly be discharged.

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

In case titled as Bhawna Bai Vs. Ghanshyam and others, (Criminal Appeal No. 1820 of 2019) Arising out of SLP(Crl.) No. 6964 of 2019, Hon'ble Supreme Court of India has observed in para 16 of the said judgment as under:-

*“ Para 16.....For framing the charges under Section 228 CrI.P.C, the judge is not required to record detailed reasons. As pointed out earlier, at the stage of framing the charge, the court is not required to hold an elaborate enquiry; only prima facie case is to be seen. As held in Knati Bhadra Shah and another V. State of West Bengal (2000) 1 SCC 722, while exercising power under Section 228 CrI. P.C, the judge is not required record his reasons for framing the charges against the accused.....”*

Perusal of the record shows that charges against Sushil Kumar and other accused persons have been framed vide order dated 12.10.2022, 31.01.2023 and 02.02.2023 with the allegations that on the intervening night of 04/05.05.2021 in between 12:30 A.M. to 2:30 A.M. at Chhattarsal Stadium, Model Town after giving merciless beatings to victims namely Ravinder @ Bhinda, Amit @ Khagad, Jai Bhagwan @ Sonu, Bhagat @ Bhagtu and Sagar Dhankad (who subsequently succumbed to injuries on 05.05.2021), accused Sushil Kumar and one of his other associate were absconding and from **08.05.2021 till 4-5 days**, both accused persons namely **Rajdeep Singh @ Kala and Jarnail Singh**, provided shelter and harboured accused

Sushil Kumar and one more accused at Flat No. 703, Tower Aquila, Taj Tower, Sector 104, SAS Nagar, Mohali, Punjab, which was under tenancy of accused Jarnail Singh and occupation of both accused persons namely Rajdeep Singh and Jarnail Singh. It is alleged against that both of them despite knowing or having reasons to believe that accused Sushil Kumar and one of his other co-accused had committed murder, provided shelter and harboured both of them with a view to evade their apprehension and arrest in the present case. Thus, prima facie case for the offence punishable U/s. 212 IPC is made out against both accused persons namely Jarnail Singh and Rajdeep Singh.

Keeping in view of the above discussion, a prima facie case for offence punishable U/s. 212 IPC made out against both accused persons namely **Jarnail Singh and Rajdeep Singh**, accordingly, to which they have pleaded not guilty and have claimed trial.

(Sushil Kumar)  
Addl. Sessions Judge- 04  
North District Rohini Courts Delhi  
30.11.2024