

CNR No. : DLNT01-006875-2021

SC No. : 436/2021

STATE Vs. SUSHIL KUMAR ETC

FIR No. : 218 /2021

PS : Crime Branch-North Delhi/s : 302/307/308/364/365/452/323/342/188/

269/147/148/149/506(II)/392/394/397/

411/201/109/120B/34/174A IPC

& 25(1)(B) & 27 (1) Arms Act, 1959

08.09.2022

An application u/s 439 Cr.P.C. for grant of interim bail for a period of two months moved on behalf of applicant/accused Prince Dalal is pending.

Present: Sh. Sanjay Jindal, Id. Addl. PP for the State.
Ms. Swati Rathi, Id. counsel for the applicant/accused.
Dr. Vikram, Sr. Medical Officer has appeared through VC from Central Jail, Rohini.

Medical status/report has been received from the concerned Jail Superintendent. As per the report, the G. B. Pant hospital does not have a functional Urology Department. On 07.09.2022, the applicant was referred to RML hospital, wherein he was advised to come on Tuesday and Friday for Urology OPD. Now, the inmate patient is scheduled for review on 09.09.2022 at Urology Department, RML hospital.

Sr. Medical Officer appeared through VC has informed that they had taken the applicant/accused Prince Dalal to the RML hospital for follow up treatment and checkup but after waiting for three hours he had not given the sample and the doctor stated that without sample he is unable to give any opinion. So, he was sent back and again called for review on Friday i.e. 09.09.2022.

In view of the report, it is directed that the concerned Medical Officer Incharge of the concerned Jail appear through Webex ID No. 1761575605 on the next date of hearing i.e. 15.09.2022 at 10:00 a.m. and

advise this court about the treatment required by accused Prince Dalal.

Put up this bail application for consideration on **15.09.2022**. **Copy of this order be sent to the concerned Jail Superintendent for information and compliance.**

(Shivaji Anand)

Addl. Sessions Judge: 04 (North)

Rohini Courts: Delhi:08.09.2022_(R)

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08.09.2022

At 2:00 p.m.

An application has been moved on behalf of accused Ajay Kumar Sehrawat seeking early hearing/preponement of the next date of hearing of the present case from 13.10.2022 to an early date as per the convenience of this Hon'ble Court.

Present : Sh. Sanjay Jindal, ld. Addl. PP for the State.

Sh. Dev Solanki, ld. proxy counsel for the complainant.

Sh. Himanshu Rana, ld. counsel for accused Anirudh Dahiya (A10)

Sh. Sahil Malik, Sh. Sandeep Kashyap and Sh. Nakul Khatri, ld. counsels for accused Sushil Kumar (A1).

Sh. Sumeet Shokeen and Ms. Ruchika, ld. counsels for accused Ajay Kumar (A3), Praveen Dabas (A15), Surjeet Grewal @ Kala (A13), Anil Dhiman (A14) and Rahul @ Dhanda (A17).

Ms. Swati Rathi, ld. counsel for the Prince (A2).

Sh. P. Piyush, ld. counsel for accused Mohit @ Bholi(A4), Manjeet @ Chunnilal (A5) and Bhupinder @ Bhupi (A7).

Sh. Rajeev Ranjan Raj, ld. counsel for accused Subhash (A11) and Gaurav Laura (A12).

Sh. Ankur Yadav, ld. counsel for accused Rohit Malik @ Sonu (A8).

Sh. Abhimanyu Singh, ld. counsel for accused Gulab (A6), Bijender @ Binder (A9) and Parveen @ Choti (A16).

It is submitted by ld. counsel for the accused that the case is pending at the stage of arguments on charge since October, 2021. He has further submitted that the supplementary charge-sheets qua the accused persons have already been filed. He has further submitted that FSL result is still awaited till

date. He has further submitted that due to non filing of FSL and non framing of charge in the present case is causing grave prejudice to the accused persons and the same is depriving the accused persons of their right to speedy trial. Ld. counsel for the accused further submitted that if some of the advocates are willing to argue on the point of charge, the same could be done even in the absence of FSL report. Other counsels for the accused persons have also admitted and submitted similarly as that of the present applicant and prayed for preponement of the date of hearing.

It is submitted by ld. Addl. PP for the State that as FSL reports have not been received yet therefore, argument on charge should not be conducted prior to receipt of FSL reports.

It is submitted by IO that though the FSL was supposed to be received after 15 days of the last date of hearing but still the same could not be ready. He has further submitted that steps to expedite the same are also taken in this regard.

Heard.

In the present case, there are 17 accused persons. On the last date of hearing, it was submitted by the IO that the FSL results will be deposited before the Court within 15 days. The present application has been filed after the expiry of 15 days. Even today, the FSL report is not ready. Almost more than one year has gone but neither the FSL nor Sanction u/s 39 Arms Act has been filed on record. During the course of arguments, some queries were put to the IO. From those queries, it was elucidated that Sanction u/s 39 Arms Act would be applicable for the accused Vinod Pradhan as he was having in possession of licensed arm belonging to accused Prince. It was also submitted by the IO during the course of arguments that all the firearms are licensed guns.

In the present case, as per the allegation of prosecution the cause of death was by beating of sticks and leg hits etc. and not by the firearms. So, the relevance of Sanction u/s 39 Arms Act is only with regard to one accused. Rest of the FSL reports are not mandatory for the argument and framing of charge. During the course of arguments, counsel of the complainant was also queried in this regard wherein he showed no objection. As there are 17 accused persons and arguments on charge may take considerable time, it will be beneficial for all the parties if prior to submission of sanction/FSL reports at least arguments on charge are heard.

Therefore, the present application is allowed and keeping in view the number of accused persons, put up for arguments on charge /framing of charge on 16.09.2022 and 17.09.2022 at 2:00 p.m.

Previous date i.e. 13.10.2022 stands cancelled.

Issue notice to the IO and complainant to appear in person on the next date of hearing.

(Shivaji Anand)
Addl. Sessions Judge: 04 (North)
Rohini Courts: Delhi:08.09.2022^(R)