

IA No. 01/2024 in SC 360/2024
State Vs. Sumit Dabas
FIR No. 169/2024
PS Narela
U/s 302/201/34 IPC

27.08.2024

This is an application under Section 483 BNSS for grant of bail moved on behalf of applicant/accused Sumit Dabas.

Present:- Ms. Promila Singh, Ld. Additional PP for the State.

Mr. Vivek Shokeen, ld. Counsel for applicant/accused.

IO Inspector Raj Kumar Malik in person.

Reply to the bail application has been filed. Copy supplied.

Various grounds for seeking bail have been mentioned in the application, which have been duly considered.

1. Brief facts of the case are that on 28.02.24, PS Narela received information via DD No. 42A that a dead body was found floating in the Bawana Nahar near Hanuman Mandir. PSI Amit Ahlawat along with HC Anil No. 160/OND was assigned to investigate. The dead body was of a male which was retrieved from the canal.

2. It is argued by Ld. Counsel for the applicant/accused that accused is running in JC since 01.03.2024 and has been falsely implicated in the present case. That there is no incriminating evidence against the applicant/accused. It was further argued that all the recovery has already been effected and there is no need of keeping the accused behind the bars.

3. Ld. Additional PP for the State vehemently opposed the bail application submitting that the allegations levelled against the applicant/ accused are very grave and serious in nature and the accused has played an active role in committing the crime.

4. On 28.02.24, PS Narela received information via DD No. 42A that a dead body was found floating in the Bawana Nahar near Hanuman Mandir. PSI Amit Ahlawat along with HC Anil No. 160/OND was assigned to investigate. The dead body was of a male which was retrieved from the canal.

During the course of investigation, the deceased was identified as Sukhdev Malhotra, son of Sh. Jagannath Malhotra. During the investigation house of the deceased at H No. 100, Radhey Shyam Park, Jagat Puri, Delhi was found locked. Some blood stains were found in the lift area of the said house. On that FSL Team and District Mobile Crime Team of OND inspected and examined the said flat and found numerous blood spots on the walls, floor, bathroom, etc. of the said Flat. On checking the CCTV footage of a nearby camera of the intervening night of 27 & 28.02.24 it was seen that the victim's white Honda City car No. DL10CH9330 was approaching in front of the above address at around 10:48:36 PM on 27.02.24 and then the car was driven inside the Flat at around 01:01:42 AM on 28.02.24. After that, the car left the Flat at around 02:04:55 AM on 28.02.24. At that time one person is seen sitting on the front passenger seat wearing a sando banyan. When the CDRs of the deceased were analyzed, it was found that this number was in use until 22:11:54 on February 27, 2024. The last three calls to the deceased were from the

mobile number 8816934417, which was found registered in the name of Ravinder Malik. Accordingly, based on CDRs two persons Anil S/o Jile Singh and Pradeep S/o Dharampal were interrogated about the present case. It came to the light that in the early morning on 28.02.2024 at around 4.00 a.m. Anil S/o Jile Singh was sleeping in his Farm in Bindhrauli when Ravinder Malik and Dabas came to his Farm in Bindhrauli in the Honda City car of the deceased. Ravinder Malik and Sumit Dabas were shouting and abusing him. On that day Anil got terrified and ran away from the Farm. Thereafter, the accused Ravinder Malik disclosed that he used to work for the deceased, who was not paying his money, because of which the accused was agitated and met the present applicant at PS Dabri Mor in the car of the deceased from there they both went to a friend's house and eventually to the house of the deceased. After reaching the house of the deceased, they made the deceased drink liquor and when he went to the washroom, accused Ravinder Malik followed him and grabbed him and dragged him to the room in which the applicant/accused Sumit was also present and then Ravinder Malik in presence of applicant, attacked the deceased with scissors and stabbed him several times on the neck. Thereafter, both the accused persons wrapped the body of the deceased in a blanket and accused Ravinder Malik also broke the DVR and packed the mobile phone of the deceased in blanket and with the common intention to dispose of the body took it the dicky of the Honda City car of the deceased itself and first went to the Farm of Anil and thereafter disposed off the body in canal.

During the examination of said car the Finger Print expert successfully lifted three chance prints from the central rear

view adjust mirror of the car. In this regard, a report vide No. 913/CW/FPB dated 28.05.2024 was received as per which the result if the examination is "Chance print marked Q1 is IDENTICAL with left thumb Impression marked S1 on the specimen fingerprint slip of Sumit Kumar Dabas S/o Suresh Kumar Dabas R/o H No. 36 Ambehri Sector-23, Dwarka, Delhi". The statements of PWs Anil and Pardeep were recorded U/s 164 CrPC on 16.05.24. The FSL result is yet not received.

The applicant has played active role in the commission of offence. He was very much present in the room where the other co-accused stabbed the deceased and facilitated in the crime and then both the accused persons disposed off the body by throwing in the canal. Matter is still at the initial stages.

5. Considering the grave and serious allegations made above and the active role played by the applicant/accused, no ground for grant of bail is made out at this stage. The application stands **dismissed**.

Application is disposed off accordingly.

6. *It is clarified that nothing stated herein shall tantamount to an expression of opinion on the merits of the case.*

7. Copy of the order be given *dasti* to the Ld. Counsel for the applicant/accused as well as be sent to concerned IO, Ld. Secretary, DLSA (North), through all possible modes, as per rules.

(Shefali Sharma)
Addl. Sessions Judge-02(North)
Rohini Courts Delhi
27.08.2024