

State Vs. Neetu & Anr.
FIR No. 249/16
U/s: 392/394/397/307/411/34 IPC
PS :Begumpur

05.09.2016

Present: Sh. P. K. Samadhiya, Ld. Addl. PP for the State with IO/SI Ravinder Kumar.
Accused Neetu in JC with Sh. Naresh Talwar, Advocate.
Accused Pradeep in JC with Ms. Usha Rani, Advocate, Ld. Amicus Curiae.

IO had informed that particulars of accused Pramod @ Pammy could not be ascertained so far. He states that the Ballistic Report in respect of bullet recovered from spot is not yet ready. He proposes to file the tabulated list of witnesses within this week.

Arguments on charge heard. Sh. Talwar contended that neither the weapon of offence has been recovered from possession of accused Neetu nor was it alleged to have been used by him, therefore, charge only under Section 392/34 IPC may be framed against him.

Ld. Counsel for accused Pradeep contended that no incriminating material has been recovered from him in this case and only evidence collected during investigation is his identification in judicial TIP by the complainant. She states that the weapon used in commission of offence having not been recovered from Pradeep, charge under Section 397 IPC is not made out.

Ld. Addl. PP on the other hand contended that the accused persons in furtherance of their common intention had slapped the complainant in order to

commit robbery of his vehicle and the property lying in it. The robbed vehicle was left abandoned by accused Neetu when chased by Police and an FIR No. 152/16 under Sec. 186/353 IPC, Sec. 3 of The Prevention of Damage to Public Property Act & Sec. 25 Arms Act was registered in PS Bawana on 15.03.2016 itself. Further the pistol which was probably used by the accused Pradeep in the commission of offence was recovered on his apprehension on 10.04.2016 by Crime Branch in which respect FIR No. 48/16, under Sec. 25 Arms Act is registered against him. It is also contended that firing at the complainant when he was running away by accused Pradeep was an attempt on his life in furtherance of common intention of all the accused persons.

As soon as the complainant alighted from his XUV on 14.03.2014 at about 10:30 pm, he was caught by accused Neetu, whom he identified on 23.03.2016 in judicial TIP while accused Pradeep, who was identified in judicial TIP on 05.05.2016 had snatched the keys of his vehicle. They had also slapped him. Pradeep had then brandished a pistol towards the complainant. He had even pulled its trigger but somehow it did not work at that time. The complainant pushed both of them aside and ran towards Begumpur Chowk. The accused persons then boarded his vehicle and followed him in it. Pradeep had also fired at complainant but it luckily missed him but the bullet was found lying there by the Police. Accused persons then fled away in his XUV towards Karala. On information being flashed from Control Room, the PCR officials had blocked the main Kanjhawala-Auchandi Road near Ladravan. The XUV coming from the side

of Jatkhori village at a fast speed instead of stopping, hit the PCR Van. It was chased by Policemen. The XUV was stopped at Auchandi Border picket and two persons got down from it. One of whom, coming out of driver side was apprehended and was revealed to be Neetu. A pistol was recovered from his possession. After more than three weeks of the incident, accused Pradeep was apprehended by Central District, Crime Branch by intercepting a Santro Car on the basis of secret information, along with two others. One loaded English pistol was recovered from his possession on formal search. Although, opinion of Ballistic Expert is awaited yet Ld. Defence counsels have no objection to the appropriate charges being framed in the matter.

The chain of events prima-facie disclose the involvement of accused Neetu in the commission of offence under Sec. 392/394/307/34 IPC & Sec. 411 IPC. Accused Pradeep is additionally found to be involved in the commission of offence under Sec. 397 IPC. Charges are accordingly framed to which accused persons have pleaded not guilty and claimed trial.

Fixed **04.10.2016** for PE for which witnesses no. 1, 2, 11 & 12 be summoned. Witnesses no. 3, 5 & 7 be summoned for **14.10.2016**. Witnesses no. 9, 10 & 13 be summoned for **24.10.2016**. MHC(M) with case property be called for each date. IO be summoned for **04.10.2016**.

Bail application of accused Neetu is pending. Reply thereto has been filed by the IO. Arguments heard. In view of the role imputed to the applicant and his desperate character revealed in the chain of events, this court is

not inclined to accord the discretion of bail to the applicant at least until the statement of public witness is recorded in free and fair manner. The application, therefore, is **dismissed**.

(Sunil K. Aggarwal),
Addl. Sessions Judge-04 (North-West)
Rohini Courts/05.09.2016