

Bail Matter
State Vs. Vivek Kumar @ Pankaj
FIR No. 151/2020
U/s 364A/364/302/201/34 IPC
PS Sultanpuri

18.10.2024

Present: Sh. Vineet Dahiya, Ld. Addl. PP for the State.
Sh. Abhimanyu, Id. Counsel for applicant/accused.

1. *This is an application under Section 439 Cr.P.C. for grant of bail, moved on behalf of applicant/accused Vivek Kumar @ Pankaj.*

2. Reply to application already received. Arguments have already been heard.

3. Brief facts of the present case, as per prosecution, are that initially a DD No. 31 A dated 03.02.2020 was lodged at PS Sultanpuri regarding missing of one Pushpender @ Bunty which was marked to ASI Ashok Kumar. In the afternoon, Sh. Ram Ganesh, father of Pushpender @ Bunty informed ASI Ashok Kumar that he has received a ransom call from the mobile number of Pushpender @ Bunty and caller was demanding Rs. 15 lacs. Thereafter, the present FIR was got registered and investigation of the same was assigned to ATO. During investigation master Priyanshu @ Preet son of Pushpender @ Bunty informed the police that on 02.02.2020 at about 08:00 pm his father Pushpender @ Bunty called Mohd. Salim @ Saleem Abbas over telephone and left the home on his motorcycle to meet Mohd. Salim @ Saleem Abbas saying that he would return in one-one and an half hour but he did not return. Thereafter, Mohd. Salim was interrogated who disclosed the he alongwith Vivek Kumar and Pushpender @ Bunty were present in the room of Vivek and as per their

plan, Vivek Kumar hit the Pushpender @ Bunty with a gas cylinder due to which he fainted and Mohd. Salim slit the throat of Pushpender @ Bunty by using a knife/blade. After that they wrapped the dead body of Pushpender in a sheet and tied it with jute cord and cleaned the room. Vivek Kumar hid the motorcycle of Pushpender @ Bunty in the area of Rohini. It was Mohd. Salim who made ransom calls from the mobile number of Pushpender @ Bunty.

4. Contentions of Id. Counsel for applicant/accused are that applicant/accused is innocent and has been wrongly and illegally arrested by police officials of PS Sultanpuri. applicant/accused has no concern with the alleged offence. Nothing incriminating material has been recovered from or at instance of applicant. Applicant/accused is a young boy of 25 years and doing ITI course from Aligarh, UP. Applicant/accused is a sole bread earner for his family consisting of old father and mother, younger brother and sister. Investigation qua applicant is complete.

5. Ld. Addl. PP has opposed the bail application stating that allegations against applicant/accused are very grave and murder of deceased was committed in a very planned manner. Applicant/accused is the one who hit the deceased with a gas cylinder and after committing the murder hid the motorcycle of deceased. It is further submitted that public witnesses are yet to be examined and there is every likelihood that applicant/accused may threaten the witnesses, if released on bail.

6. The role assigned to applicant/accused is that he alongwith co-accused murdered the deceased. Applicant/accused is the person who hit

the deceased with a gas cylinder first and thereafter, co-accused slit the throat of deceased. Dead body of deceased was recovered from the room of applicant. Many public witnesses are yet to be examined.

7. Considering the totality of facts and circumstances, gravity of offence and also the fact that the applicant/accused has actively participated in the commission of offence, I am not of the view to grant bail to applicant/accused. Hence, dismissed. Copy dasti.

VIKRAM
**ASJ-II/SPECIAL JUDGE NDPS/
NORTH-WEST/ROHINI COURTS/
DELHI/18.10.2024**