

3 SC 346/2022
STATE Vs. DEEPAK DABAS@Hadda AND ORS.
FIR No. 364 /2021
PS Kanjhawala

24.07.2023

One of the regular stenographer is on leave today.

Present: Sh. Ravi Kumar, Ld. Addl. PP for the State.
Accused Vishal Thakran present on bail.
Accused Deepak Dabas @ Hadda produced from JC.
Sh. Sunny Kumar, Ld. Counsel for Vishal Thakran.
Ms. Deepika Sisodia, Ld. Counsel for accused
Deepak Dabas.

Arguments on charge heard.

On 12.06.2021, at 06:40 AM, a dead body was recovered from a place near H. No. 17, Harijan Basti vide DD No. 19A. The body was subsequently identified to be of one Neeraj S/o Sh. Ram Chander. On 13.06.2021, father of the deceased told to the IO that his son had left the house on 11.06.2021 in his I-20 Car bearing No. HR20AL6443 but did not return back. He identified the dead body of Neeraj. On postmortem, it was revealed that dead was caused to Asphyxia as a result of manual strangulation.

On investigation, it was revealed that the deceased had repeatedly talked on a mobile bearing no. 8800184645. The ownership of this mobile was found in the name of Rahul who revealed that it was being used by his brother Deepak Dabas. The location of mobile phones of accused Deepak Dabas and of the deceased was found at the same place. CDR further revealed that accused Deepak Dabas had also talked to one Ravi Dabas. On interrogation, Ravi Dabas stated that he had seen deceased in the

STATE Vs. DEEPAK DABAS@Hadda AND ORS.

company of accused Deepak Dabas on the intervening night of 11/12.06.2021, they were heavily intoxicated at that time.

Accused Deepak Dabas was arrested who revealed during his interrogation that he had consumed alcohol with deceased Neeraj on 11/12.06.2021. Thereafter, they went to his godown at Industrial Area, Kanjhawala. There some altercation took place during which he first strangled the deceased and thereafter, hit him repeatedly on his head and face with a brick bat and killed him. Thereafter, he disposed of the dead body behind Randala Mandir. The mobile phone used by Deepak Dabas was also recovered from his possession.

The FSL report has further confirmed the presence of DNA of the deceased on the nail samples of the accused. The Chappal of accused and deceased were also recovered at instance of accused from the godown where murder was committed.

The aforesaid material on record is sufficient to frame for offences *U/s 302 IPC* against accused **Deepak Dabas**.

Accused has also been charge-sheeted for offence u/s 377 IPC. Besides the disclosure statement, no scientific or other evidence has confirmed the commission of the said offence. Accordingly, accused Deepak Dabas is discharged for charges of offence u/s 377 IPC.

Accused Vishal has been charge-sheeted for offence u/s 212 IPC. Allegations against him are that he harbored and assisted accused Deepak Dabas in concealing himself from the

police.

As per the disclosure statement, on next day of commission of crime, accused Deepak Dabas had visited the house of his Mausi and thereafter, he alongwith his nephew accused Vishal had gone to different places.

Firstly, these facts have come in the disclosure statement of the accused. As we know, a disclosure statement made before police is not an admissible piece of evidence. Secondly, accused Vishal is nephew of accused Deepak Dabas. Merely because Vishal had accompanied accused Deepak Dabas does not lead to any presumption that he was aware of the offence committed by accused Deepak Dabas and was deliberately accompanying accused Deepak Dabas to assist or harbour him. Being relatives, they may have myriad of reason to accompany each other. Thus, even if, it is believed that accused Vishal had accompanied accused Deepak Dabas to some places, there is nothing on record to show that same was done by him to harbour or concealing accused Deepak Dabas in any manner.

Moreover, knowledge or reasons to believe of commission of offence by the person harboured is one of the essential ingredient of offence u/s 212 IPC. Nothing has been shown on record to indicate that vishal was aware about the offence committed by accused Deepak Dabas.

The evidence on record is not sufficient to charge accused Vishal for any offence. He is accordingly discharged.

STATE Vs. DEEPAK DABAS@Hadda AND ORS.

Accused Vishal is directed to furnish bail bond in the sum of Rs. 10,000/- with one surety in like amount in terms of Section 437A Cr.P.C.

Put up for PE/admissions of documents, if any U/s.294 Cr.P.C. on 27.10.2023.

(BABRU BHAN)
ASJ-03, N/W, ROHINI COURTS
DELHI/24.07.2023