

**IN THE COURT OF SH. VIRENDER KUMAR BANSAL
PRINCIPAL DISTRICT & SESSIONS JUDGE
NORTH-WEST DISTRICT: ROHINI COURTS: DELHI**

CNR No. DLNW01-009796-2024

SC No. 788-24

State v. Lokesh Gupta & Ors.

FIR No. 480/24

PS Subhash Place

u/s.302/34 IPC

(Bail Application of accused Harsh @ Rishi)

22.01.2025

File taken up today on bail application of applicant/accused Harsh @ Rishi.

Present: Sh. G.S. Guraya, Ld. Chief PP for State.

Sh. Pradeep Rana, Adv. for the applicant/accused.

IO/Insp. Rajesh is present and filed reply.

Heard on the bail application and perused the record.

Bail Order

Ld. Counsel submitted that as per the allegations and the prosecution case, on 29.06.2024 sons of Lokesh Gupta namely Bittu and Priyanshu had an altercation with the son of complainant namely Mahesh. On 30.06.2024 the complainant himself went to the shop of Lokesh Gupta to sort out the issue but Lokesh Gupta started abusing him. In the meanwhile, Mahesh and Vikram, both sons of complainant, also reached there after coming to know about the quarrel. Lokesh Gupta also called his sons including the present applicant Harsh, asked him to bring iron rod and teach a lesson to the complainant and his

sons. The allegations are that Harsh brought the iron rod. Lokesh Gupta exhorted his sons, “maaro inko, aaj ye bachne na paaye”. On which, Vijay caught hold of Vikram from behind. Harsh gave a blow on the head of Vikram with the iron rod and Priyanshu stabbed Vikram with some sharp object on his neck. Thereafter, Vijay and Priyanshu ran away from the spot. Vikram succumbed to the injuries.

2. Ld. Counsel submitted that in the MLC as well as in the postmortem report, there is no head injury found on the body of Vikram. Ld. Counsel submitted that all the co-accused are already on court bail. Investigation is complete. Charge sheet has already been filed. No purpose will be served by keeping him in custody. Even otherwise, one, who stabbed the deceased, is already on bail. Lokesh Gupta, on whom the allegations are that he exhorted his co-accused to kill them, is also on bail. The only role assigned to the present applicant is hitting the deceased with the iron rod, but as mentioned earlier, there is no such injury found on the body of the deceased. It is prayed that applicant is having roots in the society. He is ready to abide by any condition imposed. There are no chances of his fleeing from justice or tampering with the evidence. It is prayed that he be released on bail.

3. Ld. Chief PP for State opposed the bail and submitted that in this case one CCTV footage was found, which is covering the place of incident. In the CCTV footage, the applicant herein is clearly visible lifting the weapon of offence i.e. the scissors

from the counter of the shop and hitting the deceased. Ld. Chief PP for State submitted that as the role of the applicant in CCTV footage is clearly visible, though the witnesses have said differently, i.e. he is giving the fatal blow. It is prayed that keeping in view this evidence, which is in the form of CCTV footage, is very important. Presence of the accused on the spot is also established by the CCTV as well as in the statements of the witnesses. It is prayed that keeping in view the gravity of offence and the role played by the applicant herein, he be not released on bail.

4. Keeping in view the submissions, the facts of the case and the evidence, I find that in this case, one Vikram has lost his life as he was hit with a sharp object i.e. a scissors on his neck. Though the complainant has mentioned that it was Priyanshu, who hit the deceased with the scissors on the neck but the CCTV, which has been seized in this case, clearly shows that it was not Priyanshu. Investigation has also revealed that Priyanshu is not the person, who hit the deceased. The CCTV footage reveals that it is the applicant herein, who hit the deceased with the scissors.

5. Keeping in view the role played by the applicant herein in the commission of offence and the gravity of offence, no ground for bail is made out. Hence, the bail application is dismissed.

6. **List on the date already fixed i.e. 12.02.2025 for arguments on charge.**

7. Copy of the order be sent to the concerned Jail Superintendent, for information. Copy of the order be also given dasti.

(Virender Kumar Bansal)
Principal District & Sessions Judge (NW)
Rohini Courts, Delhi/22.01.2025/sb