

**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 applicant/accused Lokesh Gupta)

28.11.2024

File taken up today on an application for bail u/s.483 BNSS moved on behalf of applicant/accused Lokesh Gupta s/o late Suresh Chand.

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

None for applicant/accused Lokesh Gupta.

Arguments on bail application already heard.

Matter is listed today for order on bail application.

(Bail Order)

The story of the prosecution is that on 29.06.2024 Bittu @ Priyanshu s/o applicant/accused had an altercation with Mahesh s/o Ramji Lal. On 30.06.2024 complainant went to the shop of the applicant herein to sort out the matter but the applicant started abusing him. In the meanwhile, Mahesh and Vikram, who came to know about the quarrel also reached there. Applicant called his son Harsh to bring an iron rod to teach them lesson. Harsh brought the iron rod. He started abusing and also started assaulting complainant and his sons. The allegations are

that on the exhortation of the applicant herein, Vijay caught hold of Vikram from behind. Harsh gave a blow on the head of Vikram and Priyanshu stabbed Vikram with some sharp object on his neck. Thereafter, Vijay and Priyanshu fled away from the spot. Vikram was removed to the hospital but he succumbed to the injuries.

2. Ld. Counsel for the applicant/accused submitted that investigation was carried out in this case and according to the police investigation itself, Priyanshu and Vijay were not present at the spot at the time of incident as mentioned in the charge sheet itself, which clearly shows that there are false implications in this case and that is why Vijay was granted anticipatory bail and Priyanshu, who had allegedly stabbed the deceased, had also been released on bail. Ld. Counsel submitted that even if the story of the prosecution is believed to be true as it is, the only role assigned to the present applicant is of exhortation whereas the person, who allegedly stabbed, had already been released on bail. It is submitted that the applicant/accused is having roots in the society. He is a shopkeeper. There are no chances of his absconding or fleeing from justice. Even the purpose of bail is preventive and not punitive. No purpose will be served by keeping the applicant in custody. Investigation is already complete. Charge sheet has already been submitted. It is prayed that the applicant be released on bail.

3. Ld. Chief PP has opposed the bail application and submitted that in this case as per the statement of Ramji Lal, it is

the applicant herein, who had quarreled with the complainant and his sons, who had come to settle the dispute. It was the applicant herein, who first entered into an altercation with Ramji Lal and his sons Vikram and Mahesh. It was on his exhortation that his sons caused injuries on the person of the deceased. The offence committed is serious in nature. Ld. Chief PP submitted that there is every apprehension that if the applicant is released on bail, he may build pressure on the witnesses and prayed that he be not released on bail.

4. After hearing the arguments and going through the record, I find that in this case there were four accused. Role of each person is described in the complaint, according to which, on the exhortation of Lokesh Gupta, Vijay caught hold of the deceased, Harsh gave iron rod blow on the head and Priyanshu stabbed on the neck of the deceased with some sharp object. The charge sheet itself shows that Priyanshu and Vijay were not there on the spot at the relevant time and both of them had already been granted bail. According to the story of prosecution, it was Priyanshu, who stabbed the deceased. He is already on bail.

5. Keeping in view these facts and the entirety of the story, **applicant/accused** Lokesh Gupta s/o late Suresh Chand **is admitted to bail on his furnishing personal bond in the sum of Rs.50,000/- with one surety in the like amount**, on the following conditions:

i) That the applicant/accused will supply his mobile number(s) to the IO of the case, which should be always working and he shall share his phone live location as and when required by the IO.

ii) That the applicant/accusee shall not create any kind of impediment in the trial.

iii) That the applicant/accused shall not try to contact or influence the witnesses directly or indirectly.

iv) That the applicant/accused will not leave Delhi without prior permission of the Court.

v) That, in case, it is prima facie brought to the notice of the Court that the applicant/accused is violating the abovesaid conditions, the bail granted to him shall be liable to be cancelled.

6. List on the date already fixed i.e. 08.01.2025 for arguments on charge. Copy of this order be sent to the concerned Jail Superintendent, for information and compliance. Copy of the order be also given dasti.

(Virender Kumar Bansal)
Principal District & Sessions Judge (NW)
Rohini Courts, Delhi/28.11.2024/sb