

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

CNR No. DLNW01-010117-2024
SC 819-24
FIR No. 508/24
PS Subhash Place
u/s. 309(4)/140(3)/311/61(2)/3/5 BNSS
State v. Vikas Garg & Anr.

23.04.2025

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

Both accused on court bail.

Sh. Amey Mishra, Adv. for accused Vikas Garg.

Sh. Himanshu Goel, Adv. for accused Danish Peter.

Sh. Pradeep Rana, Sh. Deepak Chhillar and Sh. Rahul Prashar, Advs. for complainant.

Heard on the point of charge and perused the record.

ORDER ON CHARGE

Ld. Counsel for accused Vikas Garg submitted that he has no role to play. In fact, he was the driver on the car of the victim and accused persons had also taken away his mobile phone. There is no evidence that he, in any manner, assisted the accused persons in committing robbery or was in conspiracy with the accused persons so that they can rob Mrigesh Garg. It is prayed that there is no evidence against him and he be discharged.

2. Ld. Counsel for accused Danish Peter submitted that

there is no evidence that he used any weapon in the commission of offence or caused any injury or had any intention to cause death of the victim. There is also no recovery of any weapon of offence and hence, no offence u/s.311 BNS is made out against him. It is prayed that he be discharged u/s.311 BNS as there is no other offence committed which is exclusively triable by the Sessions Court. Therefore, the file be sent back to the Ld. Chief Judicial Magistrate.

3. Ld. Chief PP for State submitted that in this case Vikas Garg was Driver on the vehicle of Mrigesh Garg but the evidence collected particularly the call details record show that he was regularly in touch with co-accused Danish Peter prior to the commission of offence. He was knowing Danish Peter. Danish Peter robbed Mrigesh Garg. He was also speaking while sitting in the car being driven by Vikas Garg on the directions of Danish Peter and the other co-accused i.e. Naveen, Jaadu and Ganja, who are yet not arrested. Despite the fact that he was very well knowing Danish Peter, he did not inform Mrigesh Garg or even to the police that one of the accused was known to him, who was Danish Peter. The fact that he was regularly in touch with Danish Peter immediately prior to the commission of offence, clearly shows that he was in conspiracy with other co-accused in robbery committed on Mrigesh Garg.

4. Ld. Chief PP for State further submitted that it has also come in evidence that Danish Peter was armed with gun. He was

sitting on the right side of the victim at the time of robbery and robbed him. Ld. Chief PP submitted that it is not required for attracting Section 311 BNS that there must be injury inflicted. Simple user of the dangerous weapon is sufficient. Here in the case, he was having a gun. He has shown the gun to the victim, which is user of the deadly weapon and, therefore, prima facie offence u/s.311 BNS is clearly made out. They have also obstructed him in the car to commit the offence and hence, prima facie offence u/s.140(3) BNS is also made out.

5. Ld. Chief PP for State further submitted that as all these offences were committed in furtherance of the conspiracy hatched, therefore, for every offence, all the accused persons are liable. It is prayed that they be charged accordingly.

6. After hearing the arguments and going through the record, I find that accused Vikas Garg, at the relevant time, was driving the car. The CDR record shows that he was regularly in touch with his co-accused Danish Peter. When Vikas Garg stopped the car, Danish Peter alongwith his co-accused Naveen, Jaadu and Ganja entered the car armed with the weapon. Two were having guns and one was having knife within the visibility of the complainant. That amounts to user of the weapon but the statement goes further when they threatened him showing the knife and the gun, to handover whatever he had otherwise they would shoot him and also stab with the knife. For attracting Section 311 BNS, there is sufficient evidence. The fact that

Vikas Garg was continuously in touch with Danish Peter also shows that they conspired with each other to rob Mrigesh Garg, therefore, prima facie offence punishable u/s.61(2) BNS is made out against the accused persons. As they obstructed him and robbed him of his valuables, out of which one watch has already been recovered from the possession of Danish Peter, therefore, prima facie offences punishable u/s.140(3) r/w 61(2) BNS and u/s.309(4) BNS r/w 61(2) BNS are clearly made out against both the accused persons. As accused Danish Peter used deadly weapon i.e. a gun while committing the robbery, therefore, offence offence punishable u/s.311 BNS is also made out against him. They are, accordingly, charged for the said offences to which they pleaded not guilty and claimed trial.

7. **Now to come up for PE on 29.07.2025.** Witnesses Mrigesh Garg, IO and MHC(M) be summoned for that date.

8. In this case, some more accused are yet to be arrested. One year is going to pass but there is no development. Let notice be sent to the SHO and DCP concerned for 14.05.2025 to report as to what action has been taken.

(Virender Kumar Bansal)
Principal District & Sessions Judge (NW)
Rohini Courts, Delhi/23.04.2025/sb