

SC No. 141/2019  
State Vs. Chaitanya Bhardwaj and Ors  
FIR no.220/2010  
PS Neb Sarai

25.02.2025

**Present:** Sh. L. D. Singh, Ld. Additional PP for the State.  
Accused Chaitanya Bhardwaj, Mohd. Arif, Mohd  
Hayat and Sushil @ Goldy are present.  
Accused Mohd. Salim is absent.  
Sh. Tariq Hashmi, Ld. DCLADC for accused Md.  
Hayat.  
Sh. Saifi Ahmad, Ld. Counsel for accused Chaitanya  
Bhardwaj.  
Sh. Sushil Kumar, Ld. LAC for accused Sushil @  
Goldy and Md. Arif through VC.  
Complainant in person.  
Sh. Yuvraj Singh, Ld. Counsel for complainant.  
PW Prem Kumar is also present.

Matter is listed for further prosecution evidence.  
However, an exemption application on behalf of accused Md.  
Salim is received on the email ID of the court as per which  
accused could not appear today due to board examination of his  
daughter. It is also noted that one Advocate Ms. Rashika Ved had  
appeared through VC and sought exemption of accused Md.  
Salim by referring the afore-noted exemption application.

Ld. Counsel was specifically informed that PW  
Prem Kumar is present before the court for his examination and  
in case accused is unable to appear, his counsel can appear for  
examination of PW Prem Kumar as the FIR pertains to the year

2010. Record of the case also reveals that as of now only one witness has been examined who is the complainant and twenty witnesses are yet to be examined. Record further reveals that examination of complainant took many years for completion as one accused or the other failed to appear on the given dates and for some time, accused persons, in the garb of compromising the dispute with the complainant, got the matter delayed.

Having said so, it was the duty of the accused Md. Salim to have appeared today after making alternative arrangement for the board examination of his daughter. Further, Ld. Counsel for accused Md. Salim was also duty bound to attend the hearing particularly when PW Prem Kumar is present for his evidence.

In this view of the matter, I do not deem it fit to allow the exemption application of accused Md. Salim which stands dismissed and coercive action is being adopted for ensuring his presence before the court. In the absence of accused Md. Salim, PW Prem Kumar is discharged unexamined for today.

**Issue non-bailable warrants against the accused Md. Salim along with notice to his surety for 06.03.2025.**

**(Navjeet Budhiraja)**  
**ASJ-02 (South)/ Saket Courts**  
New Delhi/25.02.2025