

[5 SC 407/2018]

STATE Vs. DHEERAJ alias DHEERU AND ORS

650/2017

(Ambedkar Nagar)

U/S-307, 174A, 34 IPC & 25 Arms Act

CNR- DLST01-005017-2018

08.07.2026

Present: Mr. Santosh Kumar, Addl. Public Prosecutor for State.

Mr. Rizwan Khan a/w Sh. Virender Kumar Bhardwaj,
Advocates for the accused Dheeraj alias Dheeru.

Accused Dheeraj alias Dheeru and Aman alias Yogi are
absent.

Accused Abhishek alias Bhola alias Karan is arrested in
some other case and lodged in Central Jail No. 1, Tihar,
PID No. 1061872.

1) Matter be kept back for appearance of absentee accused persons
and production of accused/UTP Abhishek alias Bhola alias Karan.

At 1059 Hrs.

2) Accused Abhishek alias Bhola alias Karan produced from
Central Jail No. 1, Tihar, PID No. 1061872.

At 1133 Hrs

Present: As above.

Accused Dheeraj alias Dheeru and Aman Yogi are
present on bail.

3) A fresh *vakalatnama* has been filed on behalf of the accused
Aman alias Yogi. The same is taken on record.

4) The perusal of the case record reveals that the accused Aman alias Yogi was an absconder and untraceable at the time of filing of the charge-sheet before the Court of concerned Ld. Magistrate.¹ The order dated 05.02.2021 granting bail to accused Aman alias Yogi. It is observed that he was arrested on 11.01.2021 from his house.

5) Based on the main charge sheet and final report filed under Section 173 Cr.P.C., the facts of the case are that on 22.12.2017, around 8:45 PM, a shooting occurred in front of a platform in the H-2nd Block of Madangir, New Delhi. The case was registered under FIR No. 650/17 for attempted murder (Section 307 IPC) and various sections of the Arms Act.

6) The victim, Yogesh, reported that while walking home, he was confronted by three acquaintances, namely, Dheeraj @ Dheeru, Abhishek @ Bhola, and Aman @ Yogi. He alleged that Abhishek and Aman encouraged Dheeraj to “teach him a lesson”, leading Dheeraj to fire a pistol at him, hitting him in the back.

7) The victim, Yogesh was treated at the JPNATC AIIMS Trauma Center for two punctured wounds, one in the paravertebral region at the L1 vertebra level and another in the right flank. The doctors classified the nature of the injury as “Simple” caused by a firearm.

8) On police investigation, recoveries were made of an empty cartridge shell (7.65 KF) from the crime scene. The accused Dheeraj was arrested on 25.12.2017. Following his disclosure, police recovered a loaded country-made pistol with one live cartridge hidden near a *nallah* (drain) wall in Madangir.

¹ See Charge-sheet dated 23.07.2018

9) The accused Abhishek was formally arrested on 27.04.2018, *via* a production warrant while already in custody for another case. As per the police investigation, he supported Dheeraj's statement.

10) The accused Aman @ Yogi evaded arrest and was officially declared an absconder by the concerned Court on 06.04.2018, leading to the addition of Section 174A IPC to the charges.

11) In the charge-sheet, the police have assigned Aman @ Yogi the role in the alleged offences of a co-conspirator, abettor, his presence at the crime scene for execution and absconder status. The charge-sheet reveals that according to the complainant's initial statement, Aman @ Yogi was present at the scene of the crime with the other two accused. He is alleged to have participated in the initial verbal confrontation and, along with accused Abhishek, instigated Dheeraj to "teach a lesson" to the victim and "finish him off".

12) As per the police investigation, the accused Aman @ Yogi was standing with the other accused when Dheeraj pulled out a pistol and fired at the victim as he attempted to flee. Based on these allegations, he has been charge-sheeted under Section 307 (Attempt to Murder) read with Section 34 (Common Intention) of the IPC.

13) The accused, Aman @ Yogi was never arrested and was officially declared an absconder by the Court of Ld. Addl. Chief Metropolitan Magistrate, South District *vide* order dated 06.04.2018.

14) The weapon of offence i.e., a loaded country-made pistol and one live cartridge were recovered following the arrest and disclosure statement of accused Dheeraj @ Dheeru on 25.12.2017. Dheeraj led the police to the recovery site near a nallah (drain) wall in K-II Block, Madangir, where the pistol was found hidden under garbage.

15) Additionally, the empty cartridge shell related to the shooting was recovered by the police directly from the crime scene (in front of a platform in H-2nd Block, Madangir) during the initial site inspection on December 22, 2017.

16) On account of the accused, Aman @ Yogi evaded arrest and ignored Court's proclamations, he was officially declared an absconder by the Court on 06.04.2018. Consequently, the police added Section 174A IPC (Non-appearance in response to a proclamation) to the charges against him.

17) The learned counsel for the accused Aman alias Yogi has conceded to the charges. Separate charges have been framed against the accused, Aman alias Yogi under Section 307/34 and 174A IPC.

18) Initially charges were framed against the accused, Dheeraj alias Dheeru and Abhishek alias Bhola *vide* order dated 03.12.2019 and the trial commenced on 30.01.2020. Thereafter, four prosecution witnesses (PW1 to PW4) were examined until 27.09.2022. With charge(s) being framed against accused Aman @ Yogi, consequentially, all the four witnesses have to be recalled for their examination *qua* accused Aman @ Yogi and thereafter onward progression of the trial.

19) Let summons be issued to **PW1, PW2, PW3, PW4 and SI Mam Chand** (No. 1139/D, PS – Ambedkar Nagar) **returnable for 09.09.2026**. To come up **for P.E. on 09.09.2026**.

(Hargurvarinder Singh Jaggi)
ASJ (FTC)–01, South District
Saket, New Delhi/08.07.2026

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