

CNR No. DLNE01-004081-2021

SC No. 429/21

State v. Iqbal etc.

FIR No. 103/20

PS Khajuri Khas

29.07.2024 (At 10:54 AM)

Present: **Sh. Naveen Kumar Raheja**, Id. Special PP for State, appearing through video conference.

SI K.P. Singh in person.

Accused Farman and Mohd. Irfan @ Imran (s/o. Mohd. Usman) have been declared PO vide order dated 28.02.2024.

Accused Aman @ Surya produced from J/C.

Accused Iqbal, Taiyab, Israr, Rizwan, Adil, Maruf, Juber, Shahabuddin, Ashok, Bharat Bhushan @ Lucky, Abdul Wahab, Faeem, Shehjad, Mohd. Asif (s/o. Sh. Babu), Parvez Ahmed @ Shannu, Jarif Ahmed and Shahrukh, in person on bail.

Accused Imran (s/o. Sh. Islamuddin) and Shamim @ Lala absent.

Mr. Parveen Yadav, Id. LAC for accused Aman @ Surya.

Sh. Arif Liyaquat, Id. counsel for accused Taiyab, Israr and Adil.

Sh. Abdul Gaffar, Id. counsel appearing through video conference for accused Iqbal (s/o. Mohd. Waseem), Imran (s/o. Sh. Islamuddin), Maroof, Abdul Wahab, Ashok and Shahabuddin.

1. Fresh vakalatnama has been filed by Sh. Arif Liyaquat for accused Taiyab and Israr. Same is taken on record.
2. As per report received in respect of accused **Shamim @ Lala**, the process u/s. 82 Cr.P.C. was announced and pasted at his given addresses on 25.06.2024. This proclamation was also published in Hindi Newspaper "Veer Arjun", Delhi Edition on 25.06.2024. This accused was reportedly not found residing at any of his given addresses. In these circumstances, I find that this process was duly published with the gap of time as required in law. Apparently, accused Shamim @ Lala is absconding, who has not opted to appear before this court despite proclamation u/s. 82

Cr.P.C. In these circumstances, **he is declared PO**. Intimation of this fact be sent to SHO concerned for taking further steps.

3. Accused Adil has appeared today, who was absent on last date of hearing. An application for cancellation of NBW was filed on 27.07.2024, thereby stating that this accused was in custody in FIR No.256/24, PS Khajuri Khas and was granted bail in that case on 15.07.2024. Thus, he remained in custody since 19.04.2024 up to 15.07.2024.
4. Heard and perused. Ld. counsel produced copy of one order passed in FIR No. 119/20, PS Khajuri Khas, wherein this accused was shown to be produced from J/C before this court itself on 11.07.2024. At the same time, on the report received on NBW issued against this accused and notice issued to surety of this accused, it is mentioned that they are not residing at their given addresses. It was responsibility of the accused and his surety to intimate this court immediately after any change in their addresses. It was also responsibility of the surety of accused Adil to intimate this court about the accused being in custody in other case, so as to seek production warrant.
5. Ld. counsel for accused Adil undertakes that in future all such steps shall be taken, however, till the time a fresh bail bond with current correct addresses is furnished before the court, this accused is taken into custody.
6. In respect of given address of surety for accused Adil, on the record I find two kind of reports which contradict each other. As per report filed today, surety never resided at the given address, though as per report filed for verification of bail bond, it was confirmed that surety was residing at that given address. This aspect of giving two contradictory reports in respect of same given address of surety, needs to be inquired into. Hence, matter

is referred to concerned ACP to conduct an inquiry and to find out that under what circumstances these two contradictory reports were filed before the court and that which one of the report is the correct report. Copy of both reports, with copy of this order be sent with court notice to ACP (Khajuri Khas).

7. One E-challan in respect of main chargesheet was filed on 20.07.2024. Copy of the same supplied to accused persons today.
8. Accused Mohd. Asif (s/o. Babu), Bharat Bhushan (s/o. Sh. Kamal Kant), Faeem (s/o. Sh. Abdul Jaleel) and Shehjad Ali (Mohd. Shamsher), submit that due to financial problems their counsels are not appearing and they do not have any counsel at present. On their request, Sh. Praveen Yadav, Id. LAC is assigned this case to represent all of them before this court, in this case.
9. Sh. Praveen Yadav seeks time up to next date to file the reply to show cause notice given to accused Aman @ Surya. Time granted.
10. Mr. Gaffar submits that he made contact with brother of accused Imran (s/o. Sh. Islamuddin) who was released on bail in this case. Brother of accused Imran (s/o. Sh. Islamuddin) informed that he is not aware of present whereabouts of the accused. Since this accused is absent without any information and explanation of bona fide reasons, therefore, issue NBW against him and issue notice u/s. 491 BNSS/446 Cr.P.C. to surety of this accused, in order to produce the accused before the court or to explain why not surety bond be forfeited and penalty be imposed.
11. Put up for appearance/production of accused Imran (s/o. Sh. Islamuddin) and report of ACP on 08.08.2024.

(PULASTYA PRAMACHALA)
ASJ-03(NE)/KKD Courts/Delhi
29.07.2024