

CNR No. DLST01-008040-2019

SC NO. 669 OF 2019
STATE VS AMIT & ANR.
FIR NO. 289/2019
PS SAKET
U/s 364/302/201/120B IPC

30.03.2022

Present: Sh. R. K. Gurjar, Ld. Additional PP for State.
Accused Amit on interim bail (under HPC guidelines).
Accused Ishant Mehra produced from JC.
Sh. Ravi Kant Upadhyay, Ld. Counsel for accused Amit.
Sh. Vishal Singh, Ld. Counsel for accused Ishant Mehra.
IO/Inspector Upendra Kumar Singh in person.

Arguments on point of charge heard. Records perused carefully.

The framing of charge has been opposed on the ground of false implication and inconsistencies in case of the prosecution. It is submitted that CCTV footage would show that no force was used when the deceased accompanied the accused persons and, therefore, Section 365 IPC cannot be invoked.

The charge-sheet discloses that both the accused persons hatched a conspiracy, abducted the deceased with them to Manesar. In pursuance of such conspiracy, they murdered Neeraj @ Suraj by assaulting him by stone on Jungle Pahadi, Manesar, Haryana on 27.06.2019 and later burnt his dead body on 28.06.2019 using petrol. As

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per Section 362 IPC, abduction also involves inducement by deceitful means. Absence of any force does not take the act out of the ambit of Section 362 IPC. Since the deceased was abducted and later murdered, Section 364 IPC is made out against the accused persons.

All the contentions of Ld. Counsels for both the accused persons are a matter of trial.

Prima facie, there is sufficient material on record to frame charge for the offence punishable u/s 120B IPC and 364/302/201/120B IPC against both accused.

Accordingly, formal charge has been framed and explained to both accused. Both accused have pleaded not guilty and have claimed trial.

Let PW Shambhu Kumar (mentioned at Serial No. 1 in the list of witnesses) be summoned through the IO for next date of hearing.

MHC(M) with case property, if any, be also summoned through the IO for next date of hearing.

IO be also summoned for next date of hearing.

Now to come up for PE on **22.07.2022**.

(Vrinda Kumari)
ASJ-02 (South)
New Delhi/30.03.2022