

SC NO 27-2025 & IA NO 03-2025 & 04-2025
STATE Vs. LOVENISH & ANR
FIR NO 342-2024
PS MOHAN GARDEN
U/S 103(1)/109(1)/3(5) BNS & 25/27 ARMS ACT
CNR No. DLSW01-000325-2025

21.07.2025

File taken up today on two applications under Section 483 BNSS moved on behalf of the applicants / accused persons namely Lovenish & Aman @ Aman Rathee for grant of bail.

Present: Sh. Brijesh Kumar, Ld. Addl. PP for the State.

Sh. S.P. Kaushal & Ms. Sheela, Ld. counsels for the applicants / accused persons.

SI Jitender Yadav is present on behalf of the IO and he has filed the replies. Copies supplied.

1. It is submitted by the Ld. counsel for the applicants / accused persons that applicants / accused persons are innocent person and falsely implicated in the present case. It is further submitted by Ld. counsel for the applicants / accused persons that applicants / accused persons have nothing to do with the alleged offence. It is further submitted by Ld. counsel for the applicants / accused persons that eye-witness has not supported the case of the prosecution. It is further submitted by Ld. counsel for the applicants / accused persons that investigation is complete and no purpose would be served by keeping the applicants / accused persons in JC any more and hence, it is requested that present applications be allowed.

**SC NO 27-2025 & IA NO 03-2025 & 04-2025
STATE Vs. LOVENISH & ANR
FIR NO 342-2024
PS MOHAN GARDEN
U/S 103(1)/109(1)/3(5) BNS & 25/27 ARMS ACT
CNR No. DLSW01-000325-2025**

2. On the other hand, Ld. Addl. PP for the State has argued on the present applications and opposed the same on the ground that allegations against the present applicants / accused persons are serious in nature and prays for the dismissal of the application.

3. The record reveals that on 01.10.24, ASI Pradeep was on emergency duty with HC Manoj and during the course of duty, a call was received vide DD No.01 dated 01.10.2024 from Vikas Hospital, Najafgarh, regarding one patient Bablu, who was brought dead due to a gunshot injury (MLC No. 1660/24) and the call was assigned to ASI Pradeep for necessary action upon which ASI Pradeep, along with his staff, reached Vikas Hospital, Najafgarh, New Delhi, and collected MLC No. 1660 and the deceased was declared brought dead at 11:15 PM due to a gunshot injury over the right femoral region. The record further reveals that the doctor handed over exhibits related to the case, which were taken into police possession through a seizure memo and the dead body was then shifted to DDU Hospital mortuary for postmortem. The record further reveals that a PCR call vide DD No.04A dated 01.10.24 regarding the same incident received at PS Mohan Garden, New Delhi and upon receiving the PCR call, police officials reached the crime scene at Plot No.17, Diwan Estate, Bhagwati Garden, Dwarka Mor, New

**SC NO 27-2025 & IA NO 03-2025 & 04-2025
STATE Vs. LOVENISH & ANR
FIR NO 342-2024
PS MOHAN GARDEN
U/S 103(1)/109(1)/3(5) BNS & 25/27 ARMS ACT
CNR No. DLSW01-000325-2025**

Delhi. The record further reveals that at the location, a pool of blood was found on the stairs and terrace of the building and the crime team and FSL team were called to the scene for inspection, and photographs of the crime scene were taken and exhibits were collected and were taken into police possession through a seizure memo. The record further reveals that on the rooftop/terrace of the said building, a black bag was found containing five live rounds marked "K.F 32 S&W L." The record further reveals that at the scene, the caller, Pujit Johari, was present and his statement was recorded wherein he stated that he is fond of music and listens to English songs every day and on the 3rd floor, Lovenish and his family reside. Complainant further stated that on 30.09.2024, at approximately 09:30 PM, while the complainant was going to buy some items, he met Lovenish and his cousin Aman in the parking area and Lovenish initiated a scuffle and started beating the complainant, blaming him for always playing loud music and upon hearing the commotion, caretaker Bablu (deceased) arrived at the spot, leading to a heated exchange between Lovenish and Pujit Johari and during this altercation, Lovenish dragged the complainant to the rooftop and instructed his cousin Aman to bring his pistol from the black bag kept in his flat. Complainant further stated that after some time, Aman returned to the rooftop carrying the black bag and handed it to Lovenish, who took out

SC NO 27-2025 & IA NO 03-2025 & 04-2025
STATE Vs. LOVENISH & ANR
FIR NO 342-2024
PS MOHAN GARDEN
U/S 103(1)/109(1)/3(5) BNS & 25/27 ARMS ACT
CNR No. DLSW01-000325-2025

the pistol and fired towards the complainant and unfortunately, the bullet hit the caretaker Bablu, causing him a fatal injury and following the incident, the complainant was in shock, while Lovenish and his cousin Aman carried Bablu to the ground floor and based on Pujit's statement, the present FIR was registered and further investigation was carried out. The record further reveals that during the course of the investigation, accused Lovenish along with his white Defender Land Rover was arrested on 01.10.2024 and accused Aman was arrested on 06.12.2024. The record further reveals that after the completion of the investigation, a charge sheet was filed before the Court and accordingly charge under Section 103/109/3(5) BNS was framed against both accused persons and charge under Section 25/27 Arms Act was framed against accused Lovenish. Thereafter, only eye-witness / complainant in the present case i.e Sh. Pujit Johari was examined as PW-1, who turned hostile and has not supported the case of prosecution. He has specifically deposed that he was not present at the place of the incident at the relevant time and he could not state anything about the incident. This witness has also not identified accused Aman before the Court. However, this witness has identified accused Lovenish being the neighbour. This witness was cross-examined at length by the Ld. Addl. PP for the State but he denied various suggestions put to him and he did not state a single word qua the

SC NO 27-2025 & IA NO 03-2025 & 04-2025
STATE Vs. LOVENISH & ANR
FIR NO 342-2024
PS MOHAN GARDEN
U/S 103(1)/109(1)/3(5) BNS & 25/27 ARMS ACT
CNR No. DLSW01-000325-2025

applicants / accused persons. There is no other eye-witness in the present case. The applicants / accused persons namely Lovenish and Aman are in custody since 01.10.2024 & 06.12.2024 respectively. There are about 26 witnesses in the present case and the trial of the case will take long time and not likely to complete in a short span of time and no purpose would be served by keeping the present applicants / accused persons in further custody, **the present applications are allowed.** Applicants / accused persons are hereby admitted to bail on furnishing personal bond in the sum of Rs.30,000/- with one surety of like amount each to the satisfaction of this Court.

4. Further, accused persons shall abide by the following conditions:

- i) Accused persons will not leave the country without prior permission of the Court.
- ii) Accused persons shall provide permanent address to the Court. The accused persons shall intimate the Court by way of an affidavit and to the IO regarding any change in residential address.
- iii) Accused persons shall appear before the Court as and when the matter is taken up for hearing unless exempted.

SC NO 27-2025 & IA NO 03-2025 & 04-2025
STATE Vs. LOVENISH & ANR
FIR NO 342-2024
PS MOHAN GARDEN
U/S 103(1)/109(1)/3(5) BNS & 25/27 ARMS ACT
CNR No. DLSW01-000325-2025

iv) Accused persons shall not indulge in any criminal activity and shall not communicate with or come in contact with the complainant/victim or any member of the complainant/victim's family or tamper with the evidence of the case.

5. Nothing stated herein which shall tantamount to expression of opinion on merits of case and whatever has been stated is only for the purpose of deciding the present applications. **Both applications stand disposed of accordingly.**

6. Re-notify the matter for the date already fixed i.e 21.08.2025. Copy of this order be given dasti to Ld. counsel for applicants / accused persons, as prayed for. Copy of this order be also sent to Jail Superintendent for information and compliance.

(Deepak Wason)
ASJ-04: South-west District:
Dwarka Courts: New Delhi
21.07.2025