

SC 48/2019
STATE Vs. ANKIT BHARDWAJ & ORS
FIR NO. 934 /2018
PS: Uttam Nagar

23.12.2024

Present: Sh. Chander Jeet Yadav, Ld. Sub Addl. PP for the State.
Sh. Mukul Sharma, and Sh. Satender Singh Ld. Counsels
for complainant.

Sh. Avnish Rana, Ld. counsel for accused Karan, Paras and
Ankit, with all accused produced from JC.

Sh. V.S Chauha, Ld. CLAD for Accused Dev Chopra with
accused produced from JC.

Sh. Bhawan Singh, Ld. Legal Aid Counsel, is also present.

One bail application moved on behalf of accused -Paras
Bhardwaj, is also pending for disposal.

During the trial, accused Dev Chopra was declared PO and
supplementary charge sheet was filed against him u/s 174 A IPC.

Arguments on charge heard on behalf of accused-Dev
Chopra.

1. I have given thoughtful consideration to the submissions of
Ld. counsel. However, at the stage of charge, it is to be seen whether the
material on record when corralled together is sufficient enough to raise
the strong suspicion of the commission of the offence by the accused-
Dev Chopra.

2. I have perused the material documents. There is sufficient
material on record to frame charge against accused Dev Chopra u/s 174A
IPC. Charge framed separately to which accused Dev Chopra pleaded
not guilty and claimed trial.

3. Let Witnesses PW-1 and PW-2 be again summoned in
denova trial of accused Dev Chopra for NDOH.

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4. Now, I will decide the bail application, moved by accused Paras Bhardwaj, from Jail.

5. Sh. Bhawan Singh, Ld. Legal Aid counsel has argued the bail application.

6. It is submitted by the Ld. counsel for the accused that the accused is in custody since 12.10.2018 and main public witnesses i.e alleged eye witnesses of the incident have been examined and discharged, however, they have not supported the version of the prosecution. It is further submitted by the Ld. counsel for the applicant / accused that earlier applicant / accused was granted interim bail and he timely surrendered and never misused the same and it is prayed that accused be granted bail.

7. On the other hand, Ld. sub Addl. PP for the state has argued on the present application and strongly opposed the same on the ground that the allegations against the present applicant / accused are very serious in nature and prays for the dismissal of the present application. It is submitted by Ld. counsel for the complainant that one of the co-accused has approached the hon'ble High Court for bail but no relief was granted to the co-accused.

8. I have heard the arguments and perused the record.

9. In the present case, the present applicant / accused Paras Bhardwaj along with other co-accused persons is facing trial for the offences under Section 302/307/34 IPC. The record reveals that PW-5 Smt. Seema i.e wife of the deceased and PW-6 Sh. Nikhil i.e son of the deceased are the prime / star witnesses in the present case. The perusal of the evidence reveals that in the examination conducted on 19.07.2023 PW-5 & PW-6 have specifically deposed about the incident in question

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and has prima facie supported the case of the prosecution and even identified the present applicant / accused in the Court. PW-5 has specifically deposed that all accused including the present applicant / accused came there and started arguing with her husband on the issue of dog and all accused persons dragged her husband till their house and during the incident, the husband of the PW-5 was murdered. PW-5 has further deposed that present accused took the sharp object from the hands of Ankit Bhardwaj and stabbed her husband with sharp object. PW-6 has prima facie supported the version of PW-5. There are certain contradictions in their cross-examination and at the stage of deciding bail application, there is no need to discuss the evidence in detail.

10. Keeping in view the facts and circumstances of the case and the gravity of the offence and also the fact that the allegations against the present applicant / accused is serious in nature and other witnesses are yet to be examined in the present case, I am not inclined to grant bail to the present applicant/accused at this stage. **Application stands disposed of accordingly.**

11. 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 application.

12. Re-notify the matter for the date already fixed i.e **29.03.2025**. Copy of this order be given dasti to Ld. counsel for the applicant / accused, if prayed for.

DEEPAK
WASON

Digitally signed
by DEEPAK
WASON
Date:
2024.12.23
13:00:35 +0530

(Deepak Wason)

**ASJ-04: South-west District:
Dwarka Courts: New Delhi
23.12.2024**