

SC NO 27-2025 & IA NO 01-2025
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

07.04.2025

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

Sh. S.P. Kaushal, Ld. counsel for both accused with both accused produced from JC.

Dr. N.C. Sharma, Ld. counsel for both accused is also present and at this request, he is discharged from the present case.

Today, matter is fixed for consideration of application under Section 483 BNSS moved on behalf of the applicant / accused Aman Rathi @ Lucky for grant of bail / filing of FSL report, if any.

Reply has already been filed by the IO.

FSL report is still awaited.

Director FSL Rohini is directed to expedite the matter on priority basis.

Let report be again called from FSL Rohini for next date of hearing.

Now, I will decide the bail application moved by accused Aman Rathi.

1. It is submitted by the Ld. counsel for the applicant / accused that applicant / accused has been falsely implicated in the present case and is languishing in custody ever since the date of his arrest. It is further

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submitted by Ld. counsel for the applicant / accused that investigation in the present matter is complete and charge sheet has already been filed and hence, it is requested that present application be allowed.

2. On the other hand, Ld. Addl. PP for the State has argued on the present application and opposed the same on the ground that charge is yet to be framed and public witnesses are yet to be examined and it is prayed that bail application be dismissed.

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

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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 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 (i.e the present applicant)** 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**

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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 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. The record further reveals that after the completion of the investigation, a charge sheet was filed before the Court.

4. From the record, it is apparent that **the present applicant / accused Aman Rathi was the one who had brought the pistol from the flat of accused Lovenish, using which victim Bablu was murdered,** which proves his complicity in the heinous crime. The record further reveals that till date, charge has not been framed and complainant has not been examined and hence, at this stage, I am not inclined to grant bail to the applicant / accused.

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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 application.
6. Let report be again called from FSL Rohini for 16.05.2025.
7. Copy of this order be given dasti to Ld. counsel for the applicant, as prayed for.

(Deepak Wason)
ASJ-04: South-west District:
Dwarka Courts: New Delhi
07.04.2025