

SC NO. 48/19
STATE VS. ANKIT BHARDWAJ & ORS
FIR NO. 934/18
PS: UTTAM NAGAR
U/S 302/307/34 IPC

19.04.2024

File taken up today on three applications under Section 439 Cr.P.C moved on behalf of the applicant / accused persons namely Ankit Bhardwaj, Paras Bhardwaj and Karan Arora for grant of bail.

Present: Sh. Brijesh Kumar, Ld. Addl. PP for the State.
Sh. Rajesh Kaushik, Ms. Kunju Rai, Ms. Anupama Kaushik,
Sh. Anil Kaushik, Sh. Amarjeet Singh, Mrs. Pragya Bharti,
Sh. Krishna Ranjan & Sh. Surender Singh, Ld. counsels for
applicant / accused Karan Arora.
Sh. Avnish Rana, Ms. Neeta Chhabra, Sh. Vijay Pal
Chaudhary & Sh. Jamal Ahmad, Ld. counsels for applicant /
accused Ankit Bhardwaj.
Sh. Avnish Rana, Sh. Parmod Kumar, Sh. Banwari Lal Udar,
Sh. Jaipal Chaudhary, Ld. counsel for accused Paras
Bhardwaj.

It is submitted by the Ld. counsels for the accused persons
namely Ankit Bhardwaj & Paras Bhardwaj that at this stage, they are not
pressing the present applications.

Heard. In view of the same, the present applications moved
on behalf of accused **Ankit Bhardwaj & Paras Bhardwaj are disposed
of as withdrawn, as not pressed for.**

Both applications stand disposed of accordingly.

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1. Now, I will decide the application under Section 439 Cr.P.C moved on behalf of accused Karan Arora wherein it is submitted by the Ld. counsel for the applicant / accused Karan Arora that the 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 there are few more public witnesses, who are yet to be examined but the said witnesses are not connected to the applicant / accused and they are formal witnesses. It is further submitted by the Ld. counsel for the applicant / accused that applicant / accused Karan Arora is languishing in custody since 12.07.2018. It is further submitted by the Ld. counsel for the applicant / accused that earlier also, the above said applicant / accused was granted interim bail twice and he has surrendered timely. It is further submitted by the Ld. counsel for the applicant / accused that in the present case there are 31 witnesses, out of which only 9 witnesses have been examined in last five and half year and therefore, the trial of the case will take long time and hence, it is requested that the present applicant / accused be granted bail.

2. On the other hand, Ld. 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.

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3. I have heard the arguments and perused the record.
4. In the present case, the present applicant / accused Karan Arora 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 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-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.
5. Keeping in view the facts and circumstances of the case and the 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

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to the present applicant/accused at this stage. **Application stands disposed of accordingly.**

6. 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.

7. Re-notify the matter for the date already fixed i.e **30.05.2024**. Copy of this order be given dasti to Ld. counsel for the applicant / accused, if prayed for.

(Deepak Wason)
ASJ-04: South-west District:
Dwarka Courts: New Delhi
19.04.2024