

FIR No.316/14
P.S. Ranjit Nagar
U/s 498A/304B/302/34 IPC
State Vs. Mohd. Imran & Ors.

27.10.2018 (11:35 AM)

Present: Sh. K.D. Pachauri, Ld. Addl. P.P. for State.

Accused Mohd. Iklakh and Mohd. Afzal produced from J/C.

Remaining accused Mohd. Imran, Mohd. Iqbal, Akeela and Pappu@Usman on bail.

Mr. Rajiv Lochan, Ld. Counsel for all six accused persons.

PW Ct. Chander Veer is present. However, Ld. Addl. PP for State seeks permission to drop this witness as PW on the ground that PW-12 Ct. Dharmender has already deposed almost on the same facts /lines. Heard and perused the file for this purpose. In view of these submissions of Ld. Addl. PP, PW Ct. Chander Veer is dropped from the array of prosecution witnesses(PWs) and for this reason, he is discharged unexamined today.

PW HC Vikas is also present. However, Ld. Addl. PP for State seeks permission to drop this witness also as PW on the ground that this witness went only for the purpose of executing the NBWs against accused Akeela and Mohd. Iqbal in this matter and that the charge u/s 174A IPC is not framed against these two accused persons and further that, for this reason, there is no necessity of examining this witness as PW in this matter. Heard and perused the file for this purpose. In view of these submissions of Ld. Addl. PP, PW HC Vikas is also dropped from the array of PWs and for this reason, he is discharged unexamined today.

No other PW is present today except the IO/SI Thakur Singh, who is discharged unexamined today as his evidence would be recorded towards the end after depositions of remaining PWs is complete but he is bound down to appear on each and every date of hearing in the capacity of pairvi officer also in this matter in future.

It is reported that two PWs namely HC Surender and Dr. Abhinav have been summoned for next due date i.e., 29.10.2018 to depose in this matter. However, there is a heavy cause list, particularly of more than five years old cases, on 29.10.2018, whereas this case does not come in the category of five years old cases, and for this reason, the next due date given in this matter i.e., 29.10.2018 is hereby cancelled. Accordingly, the above

mentioned two PWs be informed today itself as per law/rules not to come on 29.10.2018 and fresh summons should be issued to them for their depositions on 19.11.2018. Both sides are informed of this changed date. As per list of PWs, total twenty PWs have been cited in such list. Out of which, as per record, only two PWs would remain examined after depositions of HC Surender and Dr. Abhinav on 19.11.2018 and fresh summons would be issued to those remaining PWs in near future after 19.11.2018.

At this stage, it is revealed that there is pending bail application of accused Mohd. Afjal(in short accused) for his regular bail u/s 439 Cr.P.C dated 26.10.2018 filed mainly on the grounds that he is brother-in-law of deceased ; that he has no concern with the alleged commission of offence in this matter ; that there is no specific role attributed to him qua this matter ; that he is in JC since his date of arrest in the year 2014 ; that he is ready to furnish reliable bail bonds to the satisfaction of this Court ; that he will not abscond from justice and regularly appear to face further trial of this case.

Reply has been filed today to above mentioned bail application by SI Gajinder Singh of PS Ranjeet Nagar, Delhi.

Per contra, this bail application opposed from other side and mainly on the grounds that there are serious allegations against this accused in this matter ; that this case is almost at the stage of final conclusion and this accused may flee from justice and may thereby delay further proceedings of this case ; that he may adversely influence the remaining PWs in this matter. Heard and perused the file for this purpose.

Taking into consideration all facts and circumstances of this case at this stage, further coupled with the fact that this accused is reportedly in JC for about last four years, I take a lenient view on this bail application of this accused at this stage. Accordingly, he is allowed to be released on bail on furnishing personal bond in sum of Rs. 30,000/-(thirty thousand) with one local sound surety in the like amount to the satisfaction of this Court. This bail order is subject to the terms and conditions that this accused shall regularly appear before this Court as and when required ; that he shall not adversely affect the further progress of this case and he shall not tamper with PWs while on bail ; that he shall not leave the Delhi territory without prior permission of this Court ; that he shall surrender his passport in this Court (if having in his favour at present) within ten days from today. If he violates any terms and

conditions of this bail order, the prosecution side is at liberty to file an appropriate application for cancellation of bail of this accused. Hence, this bail application is decided in view of above order. Bail bonds not furnished today in this case on behalf of this accused.

As prayed for, a copy of this order be given dasti to Ld. Defence Counsel and one copy to State. One copy of this order be also sent to Superintendent of Jail concerned for information. With this order, now to come up for RPE on 19.11.2018.

(Dr. SHAHABUDDIN)
ASJ/Special Judge (NDPS)
(West) Delhi/27.10.2018