

SC No. 141/2020
State vs. Suraj @ Amar
FIR No. 545/2019
PS: Rajouri Garden
U/s: 307 IPC & Sec. 25/27 Arms Act
CNR No. DLWT01-001673-2020

14.10.2022

Present: Mr. Atul K. Shrivastava, Ld. Addl. PP for the State.
Accused Suraj @ Amar is present on Court bail with
Mr. Aarin Kaushik, Advocate.
Accused Rahul @ Chhanga is produced from JC.
Mr. Ravindra Kumar Singh, Advocate for the accused
Rahul @ Chhanga.
IO/SI Vikash Fageria and Inspector Ravinder Verma, SHO
PS Rajouri Garden are also present in person.

Arguments on the point of charge heard.

ORDER ON CHARGE (ORAL)

Briefly stated as per charge-sheet, the case of the prosecution is that on 17.10.2019, when the complainant Keshav was with his friend / accused Rahul @ Chhanga, he told him that he had given some money to accused Suraj @ Amar who is not returning his money. Thereafter, on 18.10.2019 at about 12.45 a.m., the complainant alongwith accused Rahul @ Chhanga on his motorcycle reached near Maharishi Valmiki Park, B-Block, Vishal Enclave where accused Suraj @ Amar met them. When the complainant started demanding his money back from accused Suraj @ Amar, he became furious and started quarreling with him. Accused Rahul @ Chhanga tried to help the complainant and started fighting with accused Suraj @ Amar and thereafter, complainant tried to flee from the spot on the

motorcycle of accused Rahul @ Chhanga but suddenly one bullet hit him from behind and complainant saw that accused Suraj @ Amar is having one pistol in his hand. Accused Rahul @ Chhanga admitted him in G.G.S. Hospital, Raghubir Nagar, New Delhi. Thereafter, on the statement of complainant, the present case was registered.

I have heard Sh. Aarin Kaushik, Ld. Counsel for the accused Suraj @ Amar and Sh. Ravindra Kumar Singh, Ld. Counsel for accused Rahul @ Chhanga. I have also heard Sh. Atul K. Srivastava, Ld. Addl. PP for State.

Ld. Counsel for accused Suraj @ Amar states that the accused is innocent and has been falsely implicated in this case. Neither any pistol nor any cartridge was recovered from the possession of the accused.

Ld. Counsel for accused Rahul @ Chhanga submitted that accused is innocent and has been falsely implicated in this matter. The accused was friend of the complainant and he had gone to meet accused Suraj @ Amar alongwith the complainant only to help him. The accused has also got removed the complainant to the hospital.

Ld. Addl. PP for the State submitted that both the accused persons were involved in the incident. Ld. Addl. PP submits that since the accused Suraj @ Amar had fired on the complainant, offence under Section 307 IPC and 25/27 of Arms Act is made out against him. Since live cartridge was recovered from the accused Rahul @ Chhanga and he had not caused any hurt to complainant and had also taken him to the hospital, offence under Section 25 of Arms Act is only made out against him.

On the basis of above observation and discussion, in my considered opinion as per material placed on record including statement of witnesses recorded under Section 161 Cr.P.C and medical record, a *prima facie* case is made out to try the accused Suraj @ Amar for the offence under Section 307 IPC and 25/27 of Arms Act and to try the accused Rahul @ Chhanga for the offence under Section 25 of Arms Act. Accordingly, charge is framed against the accused persons, to which, they pleaded not guilty and claimed trial.

An application has been filed by the surety of the accused Rahul @ Chhanga, namely Smt. Saroj seeking to withdraw her surety bond stating that she has no control over him.

In view of submissions made, the surety, namely Smt. Saroj is discharged. Her surety bond stands cancelled. Documents, if any of surety be returned after necessary endorsement.

There is an application seeking grant of bail filed on behalf of the applicant/accused Rahul @ Chhanga on 11.10.2022. Reply filed by the IO.

Arguments on the bail application heard.

Put up the matter for orders on the bail application at 3.00 p.m.

(Sanjay Kumar)
Principal District & Sessions Judge (West)
Delhi/14.10.2022

At 3.00 p.m.

Present : Accused Suraj @ Amar is present on Court bail.
Accused Rahul @ Chhanga produced from JC.
Mr. Ravindra Kumar, Singh, Advocate for the accused
Rahul @ Chhanga.

ORDER

1. As per allegations in the charge sheet, the accused Rahul @ Chhanga alongwith his friend / complainant Keshav on 18.10.2019 at about 12.45 a.m. near Maharishi Valmiki Park, B-Block, Vishal Enclave were present and when the complainant demanded money from the accused Suraj @ Amar, a quarrel took place. When the complainant and accused Rahul @ Chhanga tried to ran away from the spot, one bullet hit the complainant. Accused Rahul @ Chhanga got admitted him in G.G.S. Hospital, Raghubir Nagar, New Delhi. During investigation, one live cartridge recovered from the possession of accused Rahul @ Chhanga.

Ld. Addl. PP for the State also pointed out that since 2014, the accused is involved in eight FIRs including the present one.

Perusal of the record reveals that the accused Rahul @ Chhanga was arrested for the first time in the present case on 18.10.2019 and thereafter, he was released on bail on 21.12.2019 and thus, remained in JC for about 64 days. Thereafter, he was again arrested pursuant to execution of NBWS issued against him vide order dated 14.09.2022 and since then, he is in JC.

In view of above observation and discussion, the accused Rahul @ Chhanga is admitted to bail on filing of bail bond in the sum of Rs. 40,000/- with one surety of like amount to the satisfaction of this

Court.

Summons be issued to PWs complainant/victim-Keshav, Rahul, IO and MHC(M) to appear in person and produce the case property for the next date of hearing.

Hence, put up the matter for **PE on 22.12.2022**.

I have also heard the IO and SHO PS Rajouri Garden on their application for waiver of costs.

Put up the matter for orders on the said application for waiver on **15.10.2022**.

(Sanjay Kumar)
Principal District & Sessions Judge (West)
Delhi/14.10.2022