

CNR No. DLNE01-001109-2021

SC No. 162/2021

State v. Kuldeep Singh etc.

FIR No. 119/2020

PS Khajuri Khas

29.02.2024 (At 10:15 AM)

Present: **Sh. Naresh Kumar Gaur**, ld. Special PP for State along with IO/Insp. Vikas Rana.

ASI Praveen Kumar and HC Ravinder, from AEKC/Crime Branch.

Accused Imran not produced from J/C (on bail in this case).

Accused Kuldeep Singh, Harjeet Singh @ Happy, Sandeep @ Sanjeev, Rahul @ Ajay, Adil, Israr, Iqbal, Juber, Maroof, Rizwan, Shahabuddin, Tayyab, Bharat Bhushan @ Lucky, Sachin Rastogi and Dharmender @ Dham, in person on bail.

Accused Farman, Shamim @ Lala and Sachin @ Moppi absent.

Sh. Paramjeet Singh, ld. counsel for accused Sachin Tyagi, Harjeet Singh, Kuldeep and Dharmender @ Dham.

Mohd. Dilshad, ld. counsel for accused Juber and Shamim @ Lala.

Sh. Nishant Kumar Tyagi, ld. counsel appearing through video conference for accused Sandeep @ Sanjeev and Sachin @ Moppi.

Sh. Manoj Kumar, ld. counsel for Rahul @ Ajay.

Sh. Abdul Gaffar, ld. counsel for Iqbal, Juber, Imran, Maroof and Shahabuddin.

1. On the application of ld. counsel for accused Shamim @ Lala, a production warrant was sent to Jail Superintendent, Dasna, Ghaziabad, U.P. A response has been received from concerned Jail Superintendent, so as to intimate that accused Shamim @ Lala was released from that jail in the given case on 28.06.2023 and he is no more lodged in that jail. It is well apparent that this application moved before this court on 18.12.2023, was not based on correct facts. Ld. counsel for accused Shamim @ Lala submits that it was so moved at the instance of mother of this

accused, however, no such affidavit was obtained from her. He undertakes to be careful in future.

2. Accused Shamim @ Lala is not appearing in this case without any information, though he was released on bail in this case. As per order dated 24.08.2023 another application was moved by same counsel for this accused to submit that accused Shamim @ Lala was in custody in FIR No. 701/23, PS Welcome and was lodged in Mandoli Jail. Thereafter, on 25.09.2023 this court had clarified that this accused was only called through production warrant being in custody in other case, though, his release warrant was already issued in this case. In that application dated 25.09.2023, it was stated that Shamim @ Lala was admitted on bail in FIR No. 701/23 PS Welcome. Hence, that production warrant was not issued.
3. Ld. counsel for accused Shamim @ Lala submits that he does not have any fresh information in respect of this accused as on this date. Issue notice u/s. 446 Cr.P.C. to surety of this accused along with NBW against this accused.
4. An application for exemption of accused Sachin Gupta @ Moppi has been filed by ld. counsel stating that as per telephonic information received by him, wife of this accused expired on 26.02.2024 and therefore, he is unable to appear. Copy of cremation slip has been filed with this application. In view of stated facts, the application is allowed for today.
5. Be awaited for report on process u/s. 82 Cr.P.C. against accused Farman and production of accused Imran from J/C.

(PULASTYA PRAMACHALA)

ASJ-03(NE)/KKD Courts/Delhi

29.02.2024

29.02.2024 (At 11:06 AM)

Present: **Sh. Naresh Kumar Gaur**, Id. Special PP for State along with ASI Praveen Kumar and HC Ravinder, from AEKC/Crime Branch.

Accused Imran produced from J/C (on bail in this case).

Sh. Badre Alam, Id. counsel for Iqbal, Imran, Maroof and Shahabuddin.

1. Fresh vakalatnama filed by Sh. Badre Alam for accused Iqbal, Imran, Maroof and Shahabuddin. Same are taken on record.
2. A report on process u/s. 82 Cr.P.C. against accused Farman has been filed. According to the report, this process was announced in the locality where accused Farman lastly resided, on 05.01.2024. It was also pasted at the notice board of this court. It was published in Hindi Newspaper "Punjab Kesari" Delhi edition on 13.01.2024.
3. I am satisfied with due publication of this proclamation u/s. 82 Cr.P.C. against accused Farman. Despite such proclamation made, this accused has not appeared before this court. The offences alleged against this accused include the offence which is also mentioned in sub-clause (4) of Section 82 Cr.P.C. and hence, accused Farman (s/o. Mohd. Fareed) is declared proclaimed offender in this case. Intimation of this order be sent to SHO concerned for further action.
4. Put up on 19.03.2024 for report on NBW.

(PULASTYA PRAMACHALA)

ASJ-03(NE)/KKD Courts/Delhi

29.02.2024