

\$~25

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CRL. REV.P 1235/2019

SHASHI KUMAR

..... Petitioner

Through: Mr. Sumit Chaudhary and Ms.
Aakanksha Bansal, Advs.

versus

STATE, GOVT. OF NCT DELHI

..... Respondent

Through: Mr. Amit Ahlawat, APP for the State
with Inspector Rakesh Kumar, SHO-
P.S. Narela.

CORAM:

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

ORDER

%

15.01.2020

1. The present revision petition has been filed by the revisionist with the prayer to set aside the impugned order dated 16.10.2019 and restoration of the order dated 06.04.2019.
2. I have heard the Ld. APP for the state, perused the status report and also heard the Ld. counsel for the revisionist.
3. At the outset, it has been submitted by the Ld. APP for the state that the relief sought by the revisionist cannot be granted. It is urged by the Ld. APP for the state that vide order dated 06.04.2019, the revisionist was granted bail on the ground that apart from the disclosure statement, there was no evidence against him. Thereafter on further investigation, the statements of the witnesses were recorded and supplementary charge sheet was filed in which the witnesses have deposed against the revisionist and

evidence has also come against him in the form of CDR and his phone location. So, he submits that in these circumstances restoration of the order dated 06.04.2019 also cannot be granted because on finding the material in supplementary charge sheet, the bail of the revisionist has been cancelled.

4. On the other hand, Ld. counsel for the revisionist has argued on the lines of his revision petition.

5. In brief the facts of the case are that on 13.11.2018, vide DD No. 10-A an information regarding an unidentified dead body was received at police station Narela. On reaching the spot, a bullet injury was found on the person of unidentified body with crush injuries. The deceased was identified lateron as Raghunath Mandal. No eye witness was found at the spot, so FIR No. 759/2018 U/s 302 IPC was registered on the basis of the said DD entry. During the course of investigation information regarding arrest of accused Govind Kumar was received from Sp. Staff/OND who disclosed that he had murdered Raghunath Mandal for money at the behest of his son namely Shashi Mandal (revisionist herein).

6. According to the case of the prosecution, the revisionist was annoyed because of extra marital relations of the deceased (his father) with a woman in his native village so he hatched a criminal conspiracy with Govind, Rahul, Devanand and Pankaj and got his father killed through them.

7. In the instant case, the supplementary charge sheet was filed and statement of Pramod Mandal who is the brother of the revisionist, Chandan who used to reside with the father of the revisionist and Smt. Gita whom the revisionist used to suspect of having illicit relations with his father and Prithu Raj have been recorded to show sour relations between the revisionist and the deceased and the motive of the crime.

8. According to the case of the prosecution, the CDRs of the accused persons have been obtained and the CDR analysis has supported the prosecution case regarding contact between the accused persons and their positions at the relevant time of the murder. It is further the case of the prosecution that it has been found that the revisionist Shashi used to reside with his father at Delhi and his SIM cards were also issued at the very same address. Revisionist had left for Bihar due to dispute with his father as location of his mobile phone is in Bihar w.e.f. 01.10.2018 and he had returned to Delhi on 05.11.18 but he did not contact his father. According to the prosecution, the revisionist had hatched the conspiracy to kill his father with the help of co-accused Govind, Pankaj and Rahul. He remained present near Libaspur during his stay in Delhi as per location of his mobile phone. There are no calls from /to the deceased's mobile No. 9811364650 after 8:30 p.m on 12.11.2018 when his location was at Nangli Puna. Location of accused Govind on 12.11.2018 at 8:40 p.m was at Holambi Road, near the place of recovery of the body. Petitioner had apparently switched off his phone at 8:15 p.m on 12.11.2018 when the location was at Swaroop Nagar and switched it on at 10:26 p.m on 12.11.2018 to conceal his presence on the spot. On 12.11.2018 at 8:45 p.m., location of Mobile No. 7289831189 of accused Rahul was found at VPO Holambi Kalan i.e. near the place of recovery of the dead body. It is further the case of the prosecution that after the murder of his father on the night of 12/13.11.2018, the revisionist had reached Bihar in the morning of 14.11.2018 which proves that he had come to Delhi just to get his father murdered.

9. In the instant case, the revisionist was initially granted bail by the Ld.

Trial Court vide order dated 06.04.2019 when there was no evidence against the revisionist except the disclosure statement. During further investigation statement of four public witnesses were recorded and thereafter supplementary charge sheet was filed to show that the petitioner had the motive to kill his father. After the filing of the charge sheet, during the course of further investigation since evidence had been collected against the revisionist, so the IO of the case had filed application for cancellation of bail which had been considered by the Ld. Trial Court and the Ld. trial Court considering the fact that in the supplementary charge-sheet there are four public witnesses in respect of alleged motive of revisionist for getting his father murdered, cancelled the bail granted to the revisionist vide order dated 06.04.2019 holding that the bail can be cancelled if there are supervening circumstances for doing the same.

10. In these facts and circumstances, as already observed hereinabove, initially at the time of grant of bail vide order dated 06.04.2019 it was a case of no evidence against the revisionist but as the investigation proceeded, the prosecution recorded the statement of 4 public witnesses and also collected the evidence in the form of CDR and mobile location of the revisionist, so the bail of the revisionist was cancelled by the Ld. Trial Court vide impugned order dated 16.10.2019. Therefore, in these facts and circumstances, I find no infirmity in the impugned order dated 16.10.2019 passed by the Ld. Trial Court. The same is, therefore, upheld and consequently, the present revision petition is dismissed.

RAJNISH BHATNAGAR, J

JANUARY 15, 2020

Sumant