

SC 262/2022
STATE Vs. ANNU AND ORS.
FIR No. 360/2021
PS: Kishan Garh

29.08.2025

ORDER ON CHARGE

1. Vide this order, I shall decide the aspect of charge.
2. The case of prosecution is that on 18.10.2021 at about 12:57:36 pm, DD No.0048A PCR call was received at the police station in which the caller told that Sani Bazar Road, Near Kishangarh Jagmam Apartment, Incident Description: "Someone has shot an adult here, who has been taken to hospital. Need Police". On the basis of the said DD, when the police officials reached the spot i.e. Jagmag Apartment, Kishangarh near Negi Dhaba, a white colour car bearing number HR26CN6111 make Fortuner was found in accidental condition and goods of the shops were found scattered. There were bullet marks on the said vehicle/car. There was blood on the driver side seat and the glass of the driver side gate was broken and the glass of the left side rear gate was also broken. On enquiry, it was found that the injured had been taken to Fortis Hospital. Few live and fired cartridges were found at the spot. When the police officials reached

Fortis Hospital Vasant Kunj, they found injured Shafiq was admitted vide MLC No. 7199. As per the MLC, alleged history of Gunshot Injury was stated.

3. The eye witness of the incident Som Raj @ Dhami met the police officials at the hospital and gave the statement that he is having enmity with Harender Maan and his family members of his village because Harender Maan's uncle Ashok was murdered in February 2020, in which, on the basis of suspicion, he and his brother Devendar @ Dev and Dharambir @ Kallu were implicated in the said case and are facing trial. That on 18.10.2021, he along with his Private PSO Krishana and Driver Shafiq were going in their car no. HR26CN6111 make Fortuner to attend the date of his above mentioned case in Patiala House Court. After attending the hearing, when they were returning to their home in Kishangarh and had reached in front of Negi Dhaba, Kishangarh, at around 12:40 PM, four-five people with pistol-like weapons started firing on their car from all sides. During the firing, many bullets hit their car. He defended himself by moving towards the back but his driver Shafiq @ Lucky got shot and he fell unconscious. Their car lost balance and collided with the goods kept in front of the shops and stopped. He ran with his PSO Krishna and entered the parking of his house. With the help of his family members, he took the injured driver Lucky to Fortis

Hospital. He stated that Sanjay Mehlawat is a resident of their village Kishangarh. He hangs out with Harender Maan and has a grudge against them. His elder brother had also seen Sanjay Mehalawat in front of their house two days ago. He suspects that the murderous attack has been carried out by Harender Maan and Sanjay Mehalawat, along with their associates, as part of a conspiracy with the intention of taking revenge from them. On the basis of his statement, FIR u/s 307/34 IPC r/w 25/27 Arms Act was lodged. The spot / place of incident was inspected and site plan was prepared. The exhibits were lifted from the spot. The clothes of the complainant Somraj @ Dhami were seized. The clothes of the injured Shafiq were seized. The CCTV footage of the camera installed at Negi Dhaba, Kishangarh was taken. Photos of the footage were taken for further investigation.

4. During investigation, on 19.10.2021, information was received from PS Special Cell that in Case FIR no. 266/21 U/s 25 Arms Act, accused Abhishek Malik @ Mota, Wazir @ Jhota, Annu Giloria and Kapil Kumar have given disclosure statement about their involvement in present FIR No. 360/21. Accordingly, productions warrants were got issued against the said four accused persons and they were arrested in the present case. During interrogation, accused Wazir @ Jhota gave the disclosure statement that he alongwith accused Abhishek can commit any offence at the instance of Manjeet

Singh @ Mahal who is the sharp shooter of the gang. In January 2021, he alongwith Abhishek met Manjeet Singh (who was on parole) in a marriage where, Manjeet Singh introduced them to Harender Mann, whose uncle Ashok Mann has been murdered by Dhami Pahalwan and his brothers in February 2020. Manjeet Mahal told them that they should take revenge of murder of Ashok Mann and for this, they should kill Dhami Pahalwan and his brothers. They got involved Annu Pahalwan in their planning.

5. As per prosecution, Wazir @ Jhota in his disclosure statement further disclosed that he kept talking to Harender Mann on WhatsApp call and in July 2021, he and his two companions stayed for about five-six days at the flat of Harender Mann's aunt Bimlesh W/o Ashok Mann in Kishangarh village. Harender Mann and his aunt Bimlesh told him that Dhami Pahalwan has come out of jail and at any cost, he has to be murdered as he has murdered her husband. That one day, Harender Mann booked a cab for them. In this cab, he and his friend Mahender, Abhishek and Kapil reached the flat in Kishangarh village where he introduced Abhishek @ Mota, Kapil to Anu @ Pehalwan and Mahender. Meanwhile, Harender Mann also came to the flat and his aunt Bimlesh was also with him. Harender Mann gave him a revolver with five rounds loaded in it. He gave them a pistol .32 bore and some rounds and said that Dhami Pehalwan should not be

spared at any cost. His aunt Bimlesh started crying with folded hands and said that Dhimi Pehalwan has ruined her married life. She want to see his death at any cost.

6. On 18.10.2021, at around 10:30/11:00 am, he received a WhatsApp call from Harender, who said that Dhimi Pahelwan has come to Patiala House Court and will soon return home from the court. He immediately gave one pistol to Abhishek Mota. Abhishek Mota had brought 315 Desi Pistol with him and four rounds. He gave those rounds to Kapil and he gave one pistol and some rounds to Annu and Mahender. He kept the revolver given by Harender Mann with him. After this, Harender Mann called him to inform that Dhimi Pahelwan has left the court. They all left for Pahelwan's house. At around 12:00 in the afternoon, Abhishek sent Mahender back to the flat asking him to get the stuff ready. They all went and sat near Negi Dhaba and started waiting for Dhimi Pahelwan. In the meantime, he got a WhatsApp call that Dhimi Pahelwan is sitting in the front seat of a white Fortuner car with the driver and the car is coming towards his house. Immediately, accused Abhishek stood in front of the empty plot of land. Accused Annu and Kapil stood in front of Negi Dhaba. After few minutes, a white Fortuner car came towards them. They all fired towards the said car. Then suddenly the car hit the track, stopped in front of wrestler's house, hitting the big vehicles in front of the carts

and shops. They believed that Dhami Pahalwan was dead. They ran towards the main road and took a taxi till Mahipalpur CNG pump. From there, they took an auto and went to Mahipalpur red light. When they all reached near Bedki Daula toll plaza, Kapil and Kiddu also arrived there. Harender Mann told them that they had done good job and took back the revolver and mobile phone that he had given to them. After this Harender booked a room in a hotel in Jhadsa village using Kapil's ID. He and his companions went to Sector 1 Dwarka to meet Harender Mann, where Special Cell officials caught them. The pistol that was fired on Dhami Pehlwan was recovered from Abhishek Mota and Annu @ Pehlwan.

7. Similarly, on interrogation, accused Abhishek @ Mota, Annu Pahalwan and Kapil also repeated the same version as given by accused Wazir @ Jhotta and admitted the commission of the present offence alongwith accused Wazir @ Jhota.

8. As per the case of prosecution, all the accused persons entered into a criminal conspiracy to kill Dhami Pahalwan and his brothers and in furtherance of their criminal conspiracy, they fired on the white Fortuner car of Dhami Pahalwan on 18.10.2021, while he was returning to his house alongwith his driver and PSO. As per prosecution, accused Annu, Wazir @ Jhota, Abhishek and Kapil fired

on the Fortuner car. Few of the bullets hit the driver who was driving the said car. The allegations against accused Manjeet Singh @ Mahal, Bimlesh Mann, Harender Mann, Sonu @ Mukesh and Ashish @ Bittu are that they were part of criminal conspiracy.

9. The entire case of prosecution is based on the disclosure statement of accused persons and the CCTV footage of the Dhaba, near which the incident took place.

10. The allegations against the accused Manjeet Singh @ Mahal is that in the year 2021, while he was on parole, he introduced Wazir @ Jhota and Abhishek to Harender Mann and asked them to kill Dhami Pahalwan and his brothers as they had committed the murder of the uncle of Harender Mann namely Ashok Mann. Except this allegation in the disclosure statement, no prima facie evidence has been placed on record by the prosecution to substantiate that Manjeet Singh was part of the conspiracy.

11. The allegations against accused Bimlesh Mann are that she is the wife of Ashok Mann and she alongwith Harender Mann asked the accused Wazir @ Jhota, Abhishek, Annu and Kapil to kill Dhami Pahalwan as he has killed her husband Ashok Mann. Except this allegation in the disclosure statement, no prima facie evidence has

been placed on record by the prosecution to substantiate that Bimlesh Mann was part of the conspiracy.

12. The allegations against Sonu @ Mukesh and Ashish @ Bittu are that they provided the necessary weapons, however, except this allegation in the disclosure statement, no prima facie evidence has been placed on record by the prosecution to substantiate that Sonu @ Mukesh and Ashish @ Bittu were part of the conspiracy and they had supplied the weapons.

13. The allegations against accused Harender Mann are that he hatched conspiracy with the accused Wazir @ Jhota, Abhishek, Annu and Kapil Kumar to commit murder of Dhami Pahalwan and his brothers. He gave the information to them that Dhami Pahalwan has left the Patiala House Court for his house and also informed them that he is about to reach his house in white Fortuner Car. He also provided necessary weapons to them for the commission of the offence. On receiving the information that Dhami Pahalwan is about to reach his house, accused Annu, Wazir, Abhishek and Kapil who were already waiting at the spot, fired on the car of Dhami Pahalwan causing bullet injuries to the driver of Dhami Pahalwan namely Shafiq. Though the IO has stated that accused Harender Mann was in contact with co-accused persons on Whatsapp call, however, no call details or location

chart has been placed on record to prima facie show that accused Harender Mann was part of criminal conspiracy.

14. The prosecution has relied upon the CCTV footage of the incident where few persons are seen firing multiple rounds with pistols in their hands on the car of Dharni Pahawan. The IO has identified accused Annu, Wazir, Abhishek and Kapil in the said CCTV footage. As per charge-sheet, complainant Somraj @ Dharni also identified the aforesaid accused persons namely Annu, Wazir, Abhishek and Kapil after seeing the CCTV footage. From the possession of accused Annu, one pistol and six live cartridges were recovered by the police of PS Special Cell. From the possession of accused Abhishek Malik, six live cartridges were recovered by the police of PS Special Cell. From the possession of accused Kapil Kumar, one desi katta containing one live cartridge and three live cartridges were recovered by the police of PS Special Cell. From the possession of accused Wazir @ Jhota, twenty six live cartridges of 7.65 Bore, nine flat live cartridges of .32 bore, 20 live cartridges with uncovered led of .32 bore and four live cartridges of 7.62 bore were recovered by the police of PS Special Cell. The FIR No. 266/21, PS Special Cell u/s 25 Arms Act is already pending against the accused persons before the concerned court.

15. On the basis of above discussion, since **prima facie** there is no evidence of conspiracy against accused Manjeet Singh @ Mahal, Sonu @ Mukesh, Harender Mann, Ashish @ Bittu and Bimlesh, they are discharged for the offence u/s 120B IPC and all the other offences. In the absence of any evidence on the aspect of criminal conspiracy, all the accused persons are discharged for the offence u/s 120B IPC.

16. On the basis of above discussion, **prima facie** offence u/s 307/34 IPC and 27 Arms Act is made out against accused Annu, Wazir @ Jhota, Abhishek Malik and Kapil Kumar.

(KIRAN GUPTA)
Addl. Sessions Judge-04
Patiala House Courts
New Delhi/29.08.2025