

CNR No. PBPO010015052018

CIS No. SC/34/2018

The State of Jammu and Kashmir Vs Deepak Khajuria and others.

FIR No.10/2018
U/ss 343, 363,376-D/302,201
read with section 120-B RPC
PS Hiranagar. (J&K).

IN CAMERA PROCEEDINGS CONDUCTED ON 05-06-2018.

ORDER DATED 05.06.2018.

Present:- **FOR PROSECUTION**

- (1) Sh. Jagdishwar Kumar Chopra, Public Prosecutor
on behalf of prosecution.
- (2). Sh. S.S. Basra, Adv. (P-166/1973) Special Public
Prosecutor deputed vide Notification SRO No.172 of
2018 dated 12.4.2018
Assisted by
- (3) Sh. Bhupinder Singh, (Chief Prosecuting Officer/SP
Prosecution) and
- (4) Sh. Harminder Singh, (Chief Prosecuting Officer/SP
Prosecution)
- (5) Sh. K.K. Puri, Adv., (P-81/1971)
- (6) Sh. Mubeen Farooqi Adv.,(P-4809/2010)
- (7) Sh. Pankaj Tiwari, Adv., (P-1284/2004)
- (8) Sh. Vishal Sharma, Adv. (P-2155/2017)
- (9) Sh. Pankaj Kalia, Adv. (P-1362/2016)
- (10). Sh. Joginder Singh Gill(P-253/2015).
- (11). Sh. Karanjit Singh Adv. (P-1950/1999)
- (12). Sh. Sourabh Ohri, Adv. (P-2187/2010).
- (13). Sh. Varun Chib, Adv. (P-2219/2013).
- (14). Sh. Harwinder Singh, Adv. (P-1984/2017).

FOR DEFENCE

(As per Power of Attorneys on record).

- (1) Mr. Anil Sethi, Adv. (744/89JK)

- (2) Mr. Anmol Sharma, Adv.(206/2009JK)
for **Deepak Khajuria (accused no.1)** and **Anand Dutta (accused no.7)**.
- (3) Mr. Rohit Verma, Adv. (D-1712/2004)
- (4) Mr. Kasturi Lal, Adv.(675 of 2005JK)
- (5) Mr. Javed Anwar Mirza, Adv.(523/2010JK).
- (6) Mr. Manav Sharma, Adv., (100/2016JK) counsel for **Surinder Kumar (accused no.2)**.
- (7). Mr. Ankur Sharma, Adv. (JK-513/19.12.2015-2015),counsel for **Parvesh Kumar (accused No.3), Vishal Jangotra (accused No.4), Sanji Ram (accused no.5)**.
- (8). Mr. Subhash Chander Sharma, Adv.(P.467/1985)
Parvesh Kumar (accused No.3), Vishal Jangotra (accused No.4), Sanji Ram (accused no.5).
- (9). Mr. H.S. Pathania, Adv. (P.1041/1982),
- (10). Mr. Vikrant Mahajan, Adv. (P-1571/2007).
- (11). Mr. Ajay Dhadwal, Adv., (P-938/1995).
- (12). Mr. Racchpal Thakur, Adv. (P-397/1992).
- (13). Mr. Sanjeev Mahajan, Adv. (P-469-A/1987).
- (14). Mr. Vinod K. Mahajan, Adv. (P-293/2011).
- (15). Mr. Amit Verma, Adv. (P-5/1993).
- (16). Mr. Ajay Lalotra, Adv. (P-1912/1994).
- (17). Mr. Ajay Pathania, Adv. (P-990/1992).
- (18). Mr. J.P. Singh, Adv. (P-3135/2015).
- (19). Ms. Sonam Chopra, Adv. (P-3699/2017).
- (20). Mr. Jatinder Jaggi, Adv. (P-533/2016).
- (21). Mr.Ravinder Jaggi, Adv. (P-3304/2008).
- (22). Mr. Deepak Rasotra, Adv. (P-3638/2009)
- (23). Mr. Gaurav Partap Singh Pathania,Adv.(P-3146/2013).
(Advocates mentioned at No.9 to No. 23 are representing Parvesh Kumar (accused No.3), Vishal Jangotra (accused No.4) and Sanji Ram (accused no.5).
- (24). Mr. Ajay Sharma, Adv. (P-3015/1999).
- (25). Mr. Sandeep Sharma, Adv. (P-1686/1999), counsel for **Parvesh Kumar (accused No.3)**.
- (26). Mr. A.K. Sawhney, Adv. (P/672/1976)
- (27). Mr. Aseem Sawhney, Adv. (P-117-A/2002)
- (28). Mr. Neeraj Singh, Adv. (551/2014JK)
- (29). Mr. Utkarsh Pathania, Adv. (89/2016JK).
- (30). Mr. Shiv Dev Singh Thakur. Adv. (JK-116/2017).

- (31). Mr. Anil Sharma, Adv. (20/2017JK), counsel for Tilak Raj (**accused No.6**).
- (32). Master Mohan Lal, Adv. (P-422/1993)
- (33). Mr. Sanjay Kumar, Adv. (P-84 of 1997)
- (34). Mr. Jagdish Saini, Adv. (P-1347/1991) appearing for **Vishal Jangotra (accused No.4)** and **Sanji Ram (accused No.5)**
- (35). Ms. Sheeba Sethi, Adv. (1981/2018JK) appearing for **Deepak Khajuria (accused No.1)** and **Anand Dutta (accused No.7)**.
- (36) Mr. Vikramjit Rai, Adv. (P-2818/08) and
- (37). Ms. R.D. Pandit, Adv (P-1592/1999) appearing for accused **Parvesh Kumar (accused No.3)**
- (38). Ms. Mamta Bedi, Adv. (No. P-1727/1999) appearing for accused **Parvesh Kumar (accused No.3)**

(Actual presence of defence counsels/Advocates for today i.e. 5.6.2018 is of number 3, 4, 9,10, 11, 12, 14, 18, 19, 20, 21, 23,24,26, 27, 32, 33, 34, 36, 37 (out of list mentioned above), and on behalf of prosecution Mr. Santokh Singh Basra, Mr. Jagdishwar Kumar Chopra, Mr. Joginder Singh Gill Adv. and Mr. Karanjit Singh, Mr. Sourabh Ohri, Adv. Mr. Harwinder Singh and Mr. Varun Chib Adv. are present today.

(1). All the accused have been produced in custody by concerned jail authorities. They have been enquired about supply of food to them, by the prosecution (J&K. Govt.), to which they have replied in affirmative. Hence, for today, there is due compliance of this mandatory condition incorporated in order dated 7th May, 2018 passed in Criminal Writ Petition No.85 and 86 of 2018 by the Hon'ble Supreme Court.

(2). Today a fresh Power of attorney has been filed by Sh. Karanjit Singh, Sh. Sourabh Ohri, Sh. Varun Chib and Sh. Harwinder

Singh, Advocates on behalf of the complainant Mohammad Yousaf.

(3). Copies of the documents relied upon by the prosecution have already been supplied to all the accused persons and today the case is fixed for arguments on the framing of charge. Accused No. 1 namely Deepak Khajuria has stated that Mr. Anil Sethi is his main counsel in this trial. Accused No 2 namely Surinder Kumar has stated that his main counsel in this trial is Mr. Rohit Verma, Advocate, Accused No. 3 namely Parvesh Kumar has stated that Mr. Subhash Chander Sharma, Advocate is his main counsel in this trial. Accused No.4 namely Vishal Jangotra has stated that Mr. H.S. Pathania, Advocate is his main counsel in this trial. Accused No.5 Sanji Ram has stated that Mr. H. S. Pathania, Advocate is his main counsel in this trial. Accused No.6 namely Tilak Raj has stated that Mr. A.K. Sawhney, Advocate is his main counsel in this trial. Accused no.7 namely Anand Dutta has stated that Mr. Anil Sethi, Advocate is his main counsel in this trial. Their statements to this effect regarding their main counsel in this trial have been recorded.

(4). An application has been filed today by Shri Jagdishwar Kumar Chopra, District Attorney, Pathankot along with a copy of Notification dated 4th of June, 2018 passed by the Govt. of Jammu & Kashmir in order to show his authorization to appear in this trial on behalf of Govt. of Jammu & Kashmir to assist the Special Public Prosecutor of the trial, who are already appointed by the Govt. Perusal of

the copy of the Notification shows that the State of Jammu and Kashmir has appointed Mr. Jagdishwar Kumar Chopra, District Attorney as Special Public Prosecutor in this trial, accordingly he is allowed to proceed further with the proceedings on behalf of Govt. of Jammu & Kashmir, in this trial.

(5). An application has been filed today by Sh. Rohit Verma, Advocate for disallowing the prosecution from filing additional documents, which primarily contained the 'Call Detail Record'. The notice of the same has been issued to the prosecution and Mr. Santokh Singh Basra Special Public Prosecutor has stated that it is a part of record, since there was no Judicial Malkhana, at Pathankot and as the record was voluminous, therefore the same was taken back with a direction that the same shall be produced at the time of recording of evidence.

(6). This court is of the considered view that when justice is to be done to both the parties, then all the relevant record has to be gone through by this court. By not permitting the prosecution to bring on record the 'Call Detail Record' would deprive this court in reaching at a just decision. Moreover, since it is not any kind of personal litigation, rather is being prosecuted on behalf of State of Jammu & Kashmir therefore, keeping in view all these factors in mind, the prosecution is allowed to bring on record the 'Call Detail Record' pertaining to this trial. This application is accordingly disposed of.

(7). Mr. Rohit Verma, Advocate has addressed oral arguments qua the alleged role of Surinder Kumar (accused no.2). According to him no charge stands made out against Surinder Kumar (accused No.2). Highlighting all the material points he wishes to file written arguments, accordingly he is permitted to file the written arguments on the point of consideration of charge by tomorrow i.e. 6.6.2018.

(8). Counsel for Parvesh Kumar (accused no.3) namely Mr. Ajay Sharma and Mr. Vikramjit Rai, Advocates have appeared and stated that they wish to file written arguments on behalf of accused no.3, accordingly they are permitted to file the written arguments on the point of consideration of charge by tomorrow i.e. 6.6.2018. At this stage they have addressed oral arguments also on the point of consideration of charge.

(9). Now, to come up tomorrow i.e. 6.6.2018 for submission of written arguments (if desired) along with oral arguments on the point of framing of charge. If no written arguments is submitted and no oral arguments are addressed by counsel for any of the accused, then it shall be presumed that he has nothing to say on the point of framing of charge and accordingly an appropriate order regarding framing of charge shall be passed by the court after going through the record of this trial and after

hearing arguments of the remaining counsel for different accused.

Dr. Tejwinder Singh,
Sessions Judge,
Pathankot.
(UID PB-0023)

Date of Order: 05.06.2018
(Tarsem Lal)
Stenographer-1

Next date: 06.06.2018.

Purpose: Further proceedings.