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

+ BAIL APPLN. 594/2018 & Crl. M.A. no. 4921/2018

RAJESH

..... Petitioner

Through Mr. Tanvir Ahmad Mir, Mr. Arjun Mahajan, Mr. Vikas Gogne and Mr. Rahu Tyagi, Advs.

versus

STATE (NCT OF DELHI)

..... Respondent

Through Dr. M.P. Singh, APP with Inspector Raj Kumar, P.S. Welcome Mr. C.S.O. Tomar, Adv. for complainant

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

% **03.07.2018**

Learned counsel for the petitioner is an ex-army personnel. He was carrying a licensed gun in his car. He was on the drivers' seat; while his wife was sitting beside him. His 11 years old son was sitting on the rear seat. While two ladies were trying to get into the rear seat of the car, accidentally, petitioner's son touched the trigger of the gun resulting in unfortunate incident wherein three persons sustained injuries, out of which one person died. Though initially, a case was registered under Sections 302/307 IPC read with Sections 25/27 of the Arms Act but, in the

investigation, charge-sheet has been filed under Sections 304/308 IPC read with Sections 30/27 of the Arms Act. Petitioner is in custody for last about seven months and may be released on bail.

Learned APP has opposed the grant of bail to petitioner. It is contended that eye-witness has not stated that one child was sitting in the car. He had only stated that some women and driver were sitting in the car. In her supplementary statement, witness has clarified that no woman was there at the rear seat. It is further submitted that a petitioner had fled away along with the car after the incident, which also shows his malafide intention. Petitioner had also refused to participate in TIP. Licence of the gun had expired at the time of incident and petitioner was illegally carrying the gun.

Keeping in mind the facts and circumstances of this case as detailed above, I am of the view that no case is made out for grant of bail to the petitioner. Bail application is dismissed. Miscellaneous application is disposed of as infructuous.

A.K. PATHAK, J.

JULY 03, 2018
r.bararia