

\$~3

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

+ **BAIL APPLN. 1059/2018**

NIDHI KOCHAR

..... Petitioner

Represented by: Mr. Sunil K. Mittal, Mr. Kishtij
Mittal and Mr. Harshit
Vashisht, Advocates.

versus

THE STATE

..... Respondent

Represented by: Mr. Ashok Kumar Garg, APP
with Insp. Madan Lal, PS
Mehrauli.
Mr. Kirti Uppal, Senior
Advocate with Mr. D.K.
Devesh, Advocate.

**CORAM:
HON'BLE MS. JUSTICE MUKTA GUPTA**

ORDER

%

22.05.2018

1. By this petition, the petitioner seeks bail in case FIR No. 181/2018 under Sections 302/307/34/120B/201 IPC and Section 27 of the Arms Act registered at PS Mehrauli.
2. Case of the prosecution is that on 17th March, 2018 at 0.12 A.M. an information regarding firing and a person being injured at C-97 Chhattarpur was received at PS Mehrauli vide DD No. 5A. SI Bansi Lal and Ct. Shiv Dayal reached at the spot in front of C-14 Phase-II Chhattarpur where they got to know that the injured had been moved to hospital. Crime team

BAIL APPLN. 1059/2018

page 1 of 4

inspected the spot. At 02:05 A.M. another information was received from Fortis hospital which was recorded vide DD No. 8 A about admission of Nitin. It was also informed that Sumit was declared brought dead at the hospital with alleged history of gunshot injury. On 17th March, 2018 at about 9:30 A.M., Rakesh Kumar, the complainant got recorded his statement stating that he was the president of Resident Welfare Association ABC Block Chhattarpur Enclave and Jaidev was the vice-president of Resident Welfare Association. Sandeep Gupta and Ashish Kochar are the builders and constructing various buildings in Chhattarpur. Since Sandeep Gupta and Ashish Kochar used to extend balconies, not give parking space in flats and problems were being created, thus Rakesh Kumar and Jaidev made complaints about the buildings constructed by Sandeep Gupta and Ashish Kochar.

3. Sandeep Gupta and Ashish Kochar had threatened them several times. It is further alleged that on 16th March, 2018 in the evening Rakesh Kumar, Nitin (son of Rakesh Kumar) and Jaidev were coming from F&B Farm House Fatehpur Beri to their residence after attending a party and at about 11:30 P.M. they reached in front of H.No. C-14 Chhattarpur Enclave when they saw Sandeep Gupta and Ashish Kochar sitting in a car and Sachin was standing near the car. At 11:30 P.M. when Jaidev alighted from his car, Sandeep Gupta and Ashish Kochar caught hold of the complainant, started abusing him and assaulted him. Listening to the commotion Jaidev's son, Sumit and son of Rakesh Kumar, namely, Gaurav Chaudhary came there. On this Sandeep Gupta stated that they were interfering in the construction of the buildings and today they would finish them. Ashish Kochar took out a

pistol from his pant and Sandeep Gupta tried to catch the hand of the complainant, Ashish Kochar stated that these Resident Welfare Association people should be shot, nobody should escape and fired on the complainant. However, the complainant was pushed aside by his son Nitin. In the meantime, Ashish Kochar fired at his son Nitin and gun shot hit his head and arm. When Sumit, son of Jaidev tried to stop them, Sandeep Gupta caught hold of his hand and Ashish Kochar shot him with a gun which hit his chest and Sumit fell down on the spot and the gun also fell down on the spot. On this Ashish Kochar, Sandeep Gupta and Sachin sat in car and ran away. They brought the injured Sumit and Nitin in the private vehicle to Fortis Hospital where Sumit was declared brought dead and Nitin who sustained injuries was treated.

4. In the FIR as noted above as well as in the statements of all the witnesses who were present on the spot no role whatsoever was assigned to the petitioner, Nidhi Kochar, wife of Ashish Kochar. However, supplementary statement of Jaidev was recorded on 30th March, 2018 followed by supplementary statements of Rakesh Kumar, Nitin and Gaurav Chaudhary. It is in these supplementary statements that the witnesses have alleged that Nidhi Kochar, the present applicant drove the vehicle in which the three accused Sandeep Gupta, Ashish Kochar and Sahcin left the place.

5. Considering the fact that the petitioner is not named in the first statements of all the witnesses, the role assigned to her is that she drove away the car, in different statements different make of cars is stated and she has already undergone the custodial interrogation this Court deems it fit to grant bail to the petitioner.

6. It is therefore directed that the petitioner be released on bail on her furnishing a personal bond in the sum of ₹25,000/- with one surety bond of the like amount, subject to the satisfaction of the concerned Trial Court, further subject to the condition that the petitioner will not leave the country without the prior permission of the learned Trial Court and in case of change of residential address the same will be intimated to the Court concerned by way of an affidavit.

7. Petition is disposed of.

8. Order dasti.

MUKTA GUPTA, J.

MAY 22, 2018

‘yo’