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

% *Date of Decision : 9th January, 2019*

+ **W.P.(CRL) 3064/2018**

SANJAY KUMAR GARG Petitioner
Represented by: Mr.Shiv Charan Garg, Advocate

versus

THE STATE (GOVT OF NCT OF DELHI)
& ORS Respondents
Represented by: Mr.Ashish Aggarwal, ASC for the
State with Mr.Piyush Singhal,
Advocate

CORAM:
HON'BLE MS. JUSTICE MUKTA GUPTA

MUKTA GUPTA, J. (ORAL)

1. By this petition, the petitioner seeks further investigation in case FIR No.106/2016 under Section 302 IPC and Section 25 and 27 of the Arms Act registered at PS Maurice Nagar. Petitioner is the complainant and husband of the deceased Smt.Anjali for whose alleged murder, Naveen Uppal @ Sunny was arrested and the abovenoted FIR was registered. The petitioner's grievance in the petition is not against material collected against Naveen Uppal @ Sunny but he claims that since Naveen Uppal @ Sunny has used illegal arm and during the course of investigation no efforts have been made to trace the manufacturer and supplier of the illegal arms further investigation be carried out.

2. As per the status report, initial case of Naveen Uppal @ Sunny based on the statement of his uncle Rakesh Uppal was that Naveen Uppal had

informed that he was in vehicle No.8361 Eco Sports and a lady is with him who shot herself and he was also going to commit suicide. The uncle contacted Sunny and convinced him to come in front of the main gate of Hindu College where he also reached and found that a woman was lying dead at the adjacent seat of the of the driving seat with a bullet injury. She was Anjali Devi, wife of the petitioner herein aged 40 years having a son aged 17 years. According to the story told to him by Sunny he was having an affair with the deceased for the last 7 years. When he disclosed to the deceased that he had recently married and could not continue with the relation, the deceased was not agreeing with him and an altercation took place whereafter he shot her. The weapon of offence was also lying in the car.

3. As per the disclosure statement of Naveen Uppal @ Sunny he had procured the weapon of offence from Akbarpur, District Ambedkar Nagar, UP with the help of a person namely Pintoo who used to work in his Shoe factory which was being run at his house. During course of investigation, the other workers of the factory were interrogated to find out the whereabouts of Pintoo. When Police custody remand of Naveen Uppal @ Sunny was granted, he was taken to Akbarpur, District Ambedkar Nagar, UP to find out from where the illegal weapon had been procured. He was also taken to Sai Plaza Hotel, Akbarpur where he had allegedly stayed during his journey and was purportedly delivered the weapon of offence by Pintoo. Statements of witnesses were recorded however CCTV footage could not be collected for the reason the Manager stated that the storage of the CCTV was only for 20 days. Despite call details analysis of the petitioner no whereabouts of Pintoo could be revealed.

4. From the status report filed, it is thus evident that efforts were made to find out from where the weapon of offence was procured however the same could not be traced.
5. Since the accused has already been arrested who alleged committed the murder of the petitioner's wife and is facing trial and despite efforts the person who gave the illegal arms could not be arrested, this Court finds no ground to direct further investigation.
6. Needless to note that the investigating agency would be within its jurisdiction to conduct further investigation as and when any further clue is available.
7. Petition is dismissed.

(MUKTA GUPTA)
JUDGE

JANUARY 09, 2019
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