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

+ **BAIL APPLN. 3354/2022, CRL. M. (Bail) 1383/2022**

PRAVEEN

..... Petitioner

Through: **Ms. Shweta Mehta, Adv. (VC)**

versus

STATE NCT OF DELHI THROUGH CHEIF SECRETARIAT

..... Respondent

Through: **Mr. Hemant Mehla, APP for the State
with Mr. Dipanshu Meena, Adv. with
SI Manish PS Mohan Garden**

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Date of Decision: 21st February, 2023

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

J U D G M E N T

DINESH KUMAR SHARMA, J. (Oral)

1. This is a bail application being moved by the petitioner in case FIR No. 872/2020 registered at PS Mohan Garden under sections 307/34 IPC and 27 Arms Act.
2. Learned counsel for the petitioner submits that the identity of the petitioner is still not established. It has been submitted that the accused is in custody since 19.12.2020. It has further been submitted that the trial may take a long time and therefore petitioner may be admitted to bail.

3. Learned APP for the State has opposed the bail application. It has been submitted that a PCR call entry vide DD No. 21A dated 18.12.2021 “do ladke ghar me ghushkar goli marker gye hai” was received at PS Mohan Garden and in pursuance to it the Police reached on the spot and found that the injured had already been taken to the hospital. In the hospital, the statement of mother of the injured was recorded. The complainant alleged that a boy namely Karan had developed the friendship with the daughter, and they become Facebook friends. The complainant stated that Karan wanted to marry her daughter however, it was not acceptable to them. On rejection, accused- Karan started giving threats to her daughter and her family. It was alleged that on 18.12.2020 at about 10.30 AM, while the complainant was at the terrace of her house, she heard the sound of firing in the house. The complainant when came to her room found that the Karan alongwith one more person shot her daughter and ran away from there.
4. Learned APP for the State submits that during the investigation, Karan and the present petitioner was arrested. Learned APP submits that the conduct of the accused persons is not good. It has been submitted that Karan was given an interim bail and he did not surrender on time. Learned APP submits that the trial is still going on and there is a possibility of the witnesses being threatened. The parameters for the grant of bail in cases which are serious in nature is well settled. The Court has to see whether the accused persons will remain available for the trial or if they are released on bail, is there any chance of the witnesses being threatened or intimidated. Though,

the rule is bail and not the jail but at the same time, the Court has to balance the interest of the accused as well as the victim.

5. The facts of the present case are quite serious in nature where a person on receiving "No" for the marriage from the family of the girl, has a guts to go alongwith the his friend co-accused (the present petitioner) and assault the victim girl with a gun shots. Such types of the incidents create repulsion in the society and also send a message of fear and threat.
6. I consider that the facts and circumstances of the present case as such that it is not entitled to grant of bail. Hence, the present application is dismissed.

DINESH KUMAR SHARMA, J

FEBRUARY 21, 2023

Pallavi

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