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

+ **BAIL APPLN. 379/2024**

NITISH KUMAR BHARDWAJ

..... Petitioner

Through: Ms. Lakshita Sethi, Advocate

versus

STATE

..... Respondent

Through: Ms. Richa Dhawan, APP for State
with SI Kavish Rana and HC Balwant, PS: Laxmi
Nagar.

Mr. Arun Sharma, Advocate for Complainant
along with Complainant in person.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

21.03.2024

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1. This application has been filed under Section 439 Cr.P.C. read with Section 482 Cr.P.C. praying for interim bail for a period of 60 days in case FIR No.226/2022 dated 03.02.2022 under Sections 302/34 IPC and Section 27 of Arms Act, 1959 registered at PS: Laxmi Nagar on the ground of medical condition of Applicant's wife who is stated to be four months pregnant.

2. Status Report has been filed on behalf of the State.

3. It is stated in the Status Report that upon verification of the medical documents of the wife of the Applicant from Moral Hospital and Lal Bahadur Shastri Hospital, Delhi, it is found that Applicant's wife is only complaining of sore throat, body ache, fatigue, fever, cold, cough and general weakness, which are general problems occurring during winter season and pregnancy. Moreover, parents of the Applicant reside in Arvind



Nagar, Ghonda, Delhi and parents of the wife of the Applicant reside in Maujpur, Delhi and both are close-by. Further verification shows that wife of the Applicant has given a separate address as A-24, Gali No.2, Kaushalpur Chauhan Patti, Karawal Nagar, Delhi, to show that she is living separately and alone. This address is approximately 7-8 kms. away from her parental and matrimonial houses. HC Balwant, PS: Laxmi Nagar had gone for investigation and as per his report, wife of the Applicant has not been staying there for the last 3-4 months. This information is based on a statement of Seema, landlady of the premises, who stated that she has not been living at the rented premises for the last 3-4 months and left without paying the rent and has taken away all her belongings. Statement of the President of RWA, namely, Mr. B.P. Dubey was also recorded on 14.02.2024, who confirmed the position. In a nutshell, the argument of the State is that there are enough family members to look after the wife of the Applicant, who in any case, is in the fourth month of pregnancy and does not have any medical complications. It is also strenuously urged by learned APP that a false and fictitious address was created to create an impression that the wife of the Applicant was living alone, to seek bail. Investigations have also revealed that she is living at her parental home.

4. Learned counsel for the Applicant, on the other hand, states that the Status Report is false on both aspects. Applicant's wife is not only suffering from cough and cold but has major medical complications, arising out of pregnancy. She was living separately and alone at the address given and has only recently moved to her parental house, but her parents are not willing to support her physically or financially. Learned counsel also states that in the Status Report filed before the Trial Court on 21.01.2024, it was the stand of



the State that Applicant's wife was living separately at the aforementioned address and it is not understood why an opposite stand is being taken now.

5. Having heard learned counsel for the Applicant and learned APP for the State and having perused the Status Report as well as the medical documents filed by the Applicant, this Court is not inclined to grant interim bail to the Applicant. The Status Report filed before this Court details that Applicant's wife is no longer living in the rented accommodation and is with her parents. The report is based on statements of the landlady of the rented accommodation as well as the President of RWA, of the area concerned, both of whom are independent and neutral persons and have no reason to give a wrong or a false statement. Statements of both these persons have been perused by the Court during the hearing. Medical documents do not reveal any serious complication relating to pregnancy of Applicant's wife which require the Applicant to be enlarged on bail. In any case, she has the support of her parents and her parents-in-law. This Court finds no reason to come to a conclusion that the Status Report is false.

6. In view of the above, the application is dismissed. Needless to state, it would be open to the Applicant to apply afresh for interim bail in case the need so arises during the pregnancy of his wife, which as and when filed, will be examined on its own merits.

7. Application stands disposed of.

JYOTI SINGH, J

MARCH 21, 2024/kks