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

+ **BAIL APPLN. 1187/2024**

KAVITA

..... Petitioner

Through: **Mr.Jitin Sahni and Mr.Nikhil
Kushwah, Advocates**

versus

STATE GOVT OF NCT DELHI

..... Respondent

Through: **Ms.Kiran Bairwa, APP for State**

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

ORDER

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05.04.2024

CRL.M.A. 10438/2024

Exemption allowed, subject to just exceptions.

Application stands disposed of.

BAIL APPLN. 1187/2024

1. An application under Section 438 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been preferred on behalf of the petitioner for grant of anticipatory bail in FIR No. 146/2024 under Sections 452/307/34 IPC & Sections 25/27 of the Arms Act, registered at P.S. Maidan Garhi.
2. Issue notice. Learned APP for the State appears on advance notice and accepts notice.
3. In brief, as per the case of the prosecution, in the midnight of 18.02.2024, three PCR calls were received vide DD Nos.02A, 03A and 04A at P.S. Maidan Garhi regarding firing incident in Village Maidan Garhi. During the course of investigation, it was revealed that the petitioner who is the wife of Jagmohan alongwith five co-accused had visited her matrimonial



house, wherein shots were fired by co-accused Vijay. Consequently, Jagmohan (husband of petitioner Kavita) sustained bullet injuries alongwith one Sukhbeer who was a member of the assailant party.

4. Learned counsel for the petitioner submits that the petitioner alongwith her brother and co-accused had visited premises for the purpose of settling matrimonial disputes wherein firing had been initiated from other side, resulting in gunshot injuries to Sukhbeer. It is also pointed out that initially PCR calls were in fact made by the alleged assailants. The petitioner is also stated to have initially joined the investigation and her statement was recorded on 18.02.2024.

5. Learned APP for the State, opposes the application and on instructions, points out that out of five accused who accompanied Kavita/petitioner, accused Nishant @ Chamkila is involved in nine cases and accused Kunal and Suraj are involved in three cases each, respectively. It is urged that another pistol used in the incident by accused Suraj is yet to be seized though no one was injured by the shot fired from said pistol.

6. I have given considered thought to the contentions raised.

The fact that the petitioner alongwith other accused had visited the premises stands corroborated by the CCTV footage since all the six accused have been captured. On the face of record, it appears that petitioner alongwith other co-accused visited the premises armed with illegal weapons after having made the preparation, whereupon shots were fired at Jagmohan and he sustained injury in the left arm. Recovery of another weapon used by one of the co-accused, though none was injured from the shot fired thereby, as stated by learned APP, is yet to be made. The defence of accused that Sukhbeer was injured because of firing from other side has not been



corroborated during investigation.

Considering the totality of the facts and circumstances and grave nature of allegations, this Court is of the considered opinion that no grounds for grant of anticipatory bail are made out. Application is accordingly dismissed.

ANOOP KUMAR MENDIRATTA, J

APRIL 5, 2024/v