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

+ **BAIL APPLN. 1537/2024**  
**KULDEEP RANA**

..... Petitioner

Through: Mr. Sunil Mehta, Advocate

versus

**THE STATE GOVT OF NCT OF DELHI**

..... Respondent

Through: Mr. Raghuvinder Varma, APP for the  
State with Inspector Sanjay, P.S.  
Budh Vihar.

Mr. Kadam, Advocate for  
complainant along with complainant  
(through VC).

**CORAM:**

**HON'BLE MS. JUSTICE SWARANA KANTA SHARMA**

**ORDER**

**03.05.2024**

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**CRL.M.A. 13471/2024 & CRL.M.A. 13595/2024 (exemption)**

1. Allowed, subject to all just exceptions.
2. Applications stand disposed of.

**BAIL APPLN. 1537/2024**

3. The instant application under Section 438 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been filed on behalf of applicant seeking anticipatory bail in case FIR bearing no. 036/2024, registered at Police Station Budh Vihar, Delhi for the offences punishable under Sections 307/387/120B/34 of the Indian Penal Code, 1860 ('IPC') and Section 25/27 of Arms Act.
4. Issue notice. Mr. Raghuvinder Varma, learned APP accepts notice on behalf of State.



5. Brief facts of the present case are that the FIR in this case came to be registered on the basis of a PCR call which was received by police vide DD No. 69A. The police was informed that 4-5 persons had fired bullet shots at the caller. The caller had further informed that one of the assailants had been apprehended by him at the spot by the caller. During investigation, the complainant had informed the police that on 13-14.02.2024, he had received a WhatsApp call on his mobile phone and the caller had introduced himself as Monty Alipuria and he had made him speak to one Rohit @ Moi on a conference call. Both the callers had further stated that they were from Gogi gang and had demanded Rs.1 Crore from him. On 15.02.2024, while the complainant was sitting along with his friends in his office, the assailants had fired at him and one of them Deepak Pandey was apprehended and arrested by the police. He had made a disclosure statement that while he was lodged in Mandoli jail, he had come in contact with Kapil @ Gaurav and Ajay Dabas who had given the complainant's mobile number to him. Deepak Pandey had stayed in room no. 3 at Royal Orbit Hotel, Sector-37, Rohini, Delhi along with one Rohit Malik from 11.02.2024 to 14.02.2024. Rohil Malik who was also one of the co-accused had accompanied Deepak Pandey on 15.02.2024 to the shop of the complainant. The further investigation by the police revealed that the said room was arranged by co-accused Vishal. Vishal had also arranged for the vehicle and the weapon for commission of the offence. On 13.03.2024, three more accused Hardeep, Sunil @ Raj and Monu @ Mandeep had visited the office of the complainant. Monu @ Mandeep was carrying a mobile phone and he had forced him to speak to Monty Alipuria. They were also carrying pistol with them. The mobile phone on which the complainant was made to speak to



Monty Alipuria and the fire arm that he was carrying was provided by the present accused/applicant Kuldeep Rana..

6. Learned counsel appearing on behalf of the applicant states that the chargesheet in this case stands filed and co-accused who, were directly connected with the offence in question were arrested. It is also stated that there is nothing on record to connect the applicant with the offence in question.

7. *Per contra*, learned APP for the State draws this Court's attention to para no. 10 of impugned order dated 21.03.2024 and the other documents which have been placed on record to point out that before visiting the office of the complainant on 13.03.2024, the accused Mandeep, Hardeep and Sunil had assembled at the office of applicant / accused Kuldeep. They had left the office of applicant Kuldeep and had gone to the office of the complainant, threatened him and made him to talk to Monty Alipuria and returned to office of the applicant / accused within 10-12 minutes. He further argues that CCTV footage has been collected in support of the above alleged facts. It is further argued that the present accused/applicant is a history sheeter against whom about 25 other cases under the serious provisions of law have been registered previously. Therefore, it is stated that the application for grant of anticipatory bail be rejected.

8. This Court has heard arguments addressed on behalf of learned counsel for the applicant as well as learned APP for the State and has perused the material available on record.

9. After hearing arguments and going through the case file as well as the impugned order, this Court notes that chargesheet in this case has been filed and the accused herein has still not joined investigation. This Court notes



that the CCTV footage which has been collected as evidence by the IO prima facie shows that the co-accused Hardeep, Sunil @ Raj and Monu @ Mandeep had visited the office of the present accused/applicant immediately prior to their visit to the office of the complainant and immediately again had visited his office after 10 minutes of commission of the alleged offence.

10. The allegations against the present accused/applicant also are that he had provided the weapon of offence and the mobile phone which was used by co-accused Monu @ Mandeep for conversation between complainant and Monty Alipuria. Therefore, at this stage, *prima facie*, the fact that the co-accused who were present inside the office of the complainant for commission of the alleged offence had immediately prior to the incident and after the incident had visited the office of the present complainant and he has not joined investigation and is evading arrest do not entitle him to anticipatory bail as his custodial interrogation is required for the purpose of confronting him with the co-accused as well as seeking the information regarding the phone and the weapon in question provided by him for use in alleged offence. In these circumstances, no ground for grant of anticipatory bail is made out.

11. Accordingly, the present application stands dismissed.

12. It is, however, clarified that nothing expressed herein above shall tantamount to an expression of opinion on merits of the case.

13. The order be uploaded on the website forthwith.

**MAY 3, 2024/zp**

**SWARANA KANTA SHARMA, J**

[Click here to check corrigendum, if any](#)