



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

Reserved on : 19.12.2023

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Pronounced on : 10.01.2024

+ **BAIL APPLN. 2430/2023**

RITIK CHHIKARA

..... Petitioner

Through: Mr. Mohit Mathur, Sr. Advocate with
Mr. Sudhir Vats, Mr. Mayank
Sharma, Mr. Harsh Gautam, Ms.
Anchal Khanna and Ms. Ridhi
Khanna, Advocates.

versus

THE STATE

..... Respondent

Through: Mr. Amit Ahlawat, APP for the State
with SI Narender and Insp. Surender,
PS Kanjhawala.
Mr. Shubham Asri, Mr. Vijay Khari,
Mr. Yashpal, Mr. Hardik Aggarwal
and Mr. Gaurav Verma, Advocates
for complainant along with father of
the complainant in person.

CORAM:

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

JUDGMENT

RAJNISH BHATNAGAR, J.

1. The present petition has been filed by the petitioner under Section 439 Cr.P.C. read with Section 482 Cr.P.C. seeking regular bail in case FIR No. 61/2023 under Sections 307/120B/34 IPC and



Sections 25/27/54/59 Arms Act registered at Police Station Kanjhawala.

2. Briefly stated, the facts of the prosecution case are that the victim, namely, Mukul and one of the accused, namely, Sumit Chikkara are student of Tecnia Institute, Pitampura. It is alleged that a dispute arose between Mukul and Sumit Chikkara over organisation of farewell party in the college. It is further alleged that on 03.03.2023, arguments took place between Mukul and Sumit Chikkara and Ritik Chikkara (petitioner herein) over a phone call and thereafter to settle the dispute, Mukul along with Ayush, Jai, Jatin and Sunny reached near Bhan Farms House and called Sumit Chikkara and asked him to come at the main gate of Bhan Farm House. Consequently, petitioner along with Sumit Chikkara and 7 accused persons came on scooty and motor cycle. It is further alleged that one of the accused namely, Vivek @ Bhagat @ Chota fired at Mukul and in the meanwhile, Mukul pushed them and their scooty fell down. Thereafter, petitioner picked up the pistol and started firing. Another accused, namely, Mayank also fired at Mukul and made him injured dangerously. Subsequently, the injured was taken to Sh. Aggrasen Hospital Rohini. As a result, the present FIR was lodged against the present petitioner and the other accused persons.

3. I have heard the learned senior counsel for the petitioner, learned APP for the State duly assisted by the learned counsel for the complainant, perused the status report and also perused the records of the case.



4. It is submitted by learned senior counsel for the petitioner that the petitioner has clean past antecedents and is a young boy in his early 20s. It is further submitted that the investigation is complete and the chargesheet has already been filed. It is further submitted that the co-accused have been granted bail by the learned trial court. It is further submitted that there is a delay of 9 hours in reporting the incident. It is further submitted that complainant has given contradictory statement regarding the sitting position of the petitioner on the scooty on which according to the prosecution the petitioner had come to commit the crime. It is further submitted that the cousin of the victim has also not assigned any elaborate role to the petitioner in his statement under Section 161 Cr.P.C. It is further submitted that petitioner is in judicial custody since 18.03.2023 and no useful purpose would be served by keeping the petitioner in judicial custody.

5. On the other hand, learned APP for the State assisted by learned counsel for the complainant has argued on the lines of the status report and vehemently opposed the present bail application stating that the allegations against the petitioner are grave and serious in nature. It is further submitted that it is the petitioner who had picked the pistol and fired on the injured as a result of which the injured received grievous injuries. It is further submitted by learned APP that the charges have already been framed and the material public witnesses, i.e., the injured and the complainant, are yet to be examined. It is further submitted that petitioner and his co-accused,



namely, Sumit, have been identified by the complainant and are named in the FIR.

6. As far as the contradictions in the statement of the injured and the complainant are concerned, they cannot be looked at deeply at this stage as they are yet to be examined before the learned Trial Court.

7. In the FIR recorded on the statement of Ayush (complainant), there are clear cut allegations against the petitioner that he has fired on Mukul (injured) who had suffered grievous injuries as a result of the firing incident which took place on 03.03.2023.

8. In the instant case, allegations against the petitioner are grave and serious in nature and material public witnesses are yet to be examined, therefore, looking into allegations and the facts and circumstances discussed hereinabove, no ground for bail is made out. The bail application is, therefore, dismissed.

9. Nothing stated hereinabove shall tantamount to the expression of any opinion on the merits of this case.

RAJNISH BHATNAGAR, J

JANUARY 10, 2024/_p