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

+ **BAIL APPLN. 4103/2024**

NIRANJAN @ SONU

.....Petitioner

Through: Mr. Ankit Rana, Ms. Riya Rana and
Mr. Tushar, Advocates.

versus

THE STATE GOVT. OF NCT OF DELHI

.....Respondent

Through: Ms. Shubhi Gupta, APP for the State.
SI Bijay Kumar, P.S.: Bawana.
Mr. Aabhas Dahiya, Mr. Vikas
Choudhary and Mr. Nitish, Advocates
for the complainant with complainant
in-person.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

13.12.2024

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By way of the present petition filed under section 483 of the Bharatiya Nagarik Suraksha Sanhita 2023, the petitioner seeks grant of interim bail in case FIR No.379/2023 dated 28.04.2023 registered under sections 302/34 of the Indian Penal Code, 1860 ('IPC') and sections 25/27 of the Arms Act, 1959 at P.S.: Bawana, Delhi, on the ground that both his father and son require surgeries. Consequent upon completion of investigation, the offence under section 323 of the IPC has been added *vide* charge-sheet dated 25.07.2023.

2. Notice on this petition was issued on 12.11.2024.
3. Ms. Shubhi Gupta, learned APP appearing for the State has handed-up Status Report dated 12.12.2024. The status report is taken on record.



4. Nominal roll dated 05.12.2024 has also been received from the Jail Superintendent.
5. Mr. Ankit Rana, learned counsel appearing for the petitioner submits that the petitioner's father, who is about 82 years of age, has undergone surgery for urinary bladder stone; however he now needs surgery for BPH (benign prostatic hyperplasia)/enlarged prostate; and the petitioner's son is to undergo orthopaedic surgery since he had suffered an accident.
6. The son's surgery is stated to be scheduled at the Aadhya9 Multispecialty Hospital, West Patel Nagar, New Delhi on 18.12.2024.
7. Placing reliance on her status report, Ms. Gupta, learned APP on the other hand submits, that the petitioner is implicated in a very heinous offence, where the allegation is that the petitioner, along with his wife and son, shot their next-door neighbour dead, on point-blank range and in broad daylight, over a petty dispute relating to cleanliness in the neighbourhood.
8. Learned APP submits, that the allegation against the petitioner is that he fired two lethal shots at his neighbour, thereby killing him; and before that the petitioner's son, who was then a minor, had attempted to shoot dead the neighbour, however his gun did not fire.
9. Ms. Gupta submits that the petitioner's son, who is now more than 18 years of age, is facing proceedings under the Juvenile Justice (Care and Protection of Children) Act, 2015.
10. Furthermore, learned APP draws attention to the fact, that as recited in the status report, though the petitioner's son is residing with his grandparents, the petitioner also has a brother, Harish, who lives in



the same village with his family; apart from two sisters, who reside in Delhi. She submits that the petitioner's son is himself now major and only requires some orthopaedic procedure, since he had suffered an accident. It is also pointed-out that the petitioner has several other family members, since as per the list of allowed visitors in prison, there are at least 10 persons, who visit the petitioner in jail from time-to-time.

11. It is argued that all the aforesaid persons are available to help the petitioner's son and father for their respective surgeries.
12. Ms. Gupta also submits, that the complainant/sister-in-law of the deceased, is yet to be examined before the learned trial court.
13. Mr. Aabhas Dahiya, learned counsel is also present on behalf of the complainant alongwith the complainant. The court has interacted with the complainant. She submits that she is eye-witness to the murder of her brother-in-law, who was shot dead at point-blank range in broad light by the petitioner. She submits that her family still resides in the vicinity of the petitioner's house; and they are seriously apprehensive, that if enlarged on bail, the petitioner may threaten them.
14. The nominal roll shows that the petitioner has been in judicial custody for about 01 year and 07 months as of 05.12.2024.
15. Upon a conspectus of the facts and circumstances of the case, it is noticed that the complainant is yet to be examined before the learned trial court; and there appear to be several other persons in the family, including the petitioner's brother, his two sisters as well as other relatives, who visit the petitioner in prison, who are available to assist the petitioner's father and son in their respective surgeries.



16. In this backdrop, and considering the brazenness with which the offence is alleged to have been committed, this court is not persuaded to grant to the petitioner interim bail even on the grounds cited.
17. The petition is accordingly dismissed.
18. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

DECEMBER 13, 2024/ak