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

+ **BAIL APPLN. 1627/2025**

DEEPAK BHATI

.....Petitioner

Through: Mr. Ankur Sharma, Advocate

versus

STATE THROUGH SHO PS MUKHERJEE NAGARRespondent

Through: Mr. Manoj Pant, APP for the State.

CORAM:

HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

ORDER

% **29.04.2025**

CRL.M.A. 12889/2025 (exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

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3. By way of the present application, the applicant seeks grant of regular bail in FIR No. 681/2022, registered at Police Station Mukherjee Nagar, Delhi for commission of offence under Section 307 of the Indian Penal Code, 1860 (hereafter 'IPC') and Sections 25/27 of Arms Act, 1881.
4. Issue notice. The learned APP accepts notice on behalf of the State.
5. Brief facts of the case are that on 21.07.2022, a PCR call *vide* DD No. 67A was received at Police Station Mukherjee Nagar regarding a gunshot incident near Mukherjee Nagar Depot. The caller had informed that a girl had been shot and had been taken to STC Trauma Centre. SI Rameshwar



had reached the spot and learnt that the injured woman had been admitted to Bara Hindu Rao Hospital. Upon reaching the hospital, SI Rameshwar had found the injured, identified as Sahiba, under treatment. As per the MLC, the injuries were consistent with a firearm injury and included contusion and laceration wounds on her upper chest. The doctor had declared her unfit for statement and marked the nature of injury as “under observation.” During inquiry at the hospital, one Anil Kumar had introduced himself as an eyewitness. He stated that he worked as an assistant surveyor and was conducting a survey with his colleague Satish when he noticed a girl with bloodstains on her clothes approaching them. He and his colleague had taken her first to Durga Hospital and then to Hindu Rao Hospital. While en route, the injured had disclosed her name as Sahiba and named her friend Deepak Bhati as the person who had fired upon her. Based on this statement, the present FIR was registered under Sections 307 of IPC and Sections 25/27 of Arms Act.

6. The investigating team had seized the bloodstained clothes of the injured and of the eyewitness, as well as the bullet lead extracted from the injured’s body. The scene of the crime had been inspected by the crime team and exhibits including blood gauze, a blood-stained face mask, and an empty cartridge were collected. A site plan was also prepared. On 22.07.2022, the accused/applicant Deepak Bhati was arrested, and the motorcycle used in the commission of the offence was seized. Pursuant to his disclosure, the weapon of offence, i.e. a country-made pistol (*‘desi katta’*), was recovered from his residence. The nature of the injury was later opined by the doctor as ‘dangerous’. The main chargesheet had been filed on 16.10.2022, and supplementary chargesheets including the ballistic FSL and sanction under



Section 39 of the Arms Act were also filed. Charges under Section 307 of IPC and Sections 25/27 Arms Act were framed, and the case is currently at the stage of prosecution evidence.

7. The learned counsel appearing for the applicant/accused argued that the applicant herein has been falsely implicated in the present case, as the victim had personal grievance against the applicant. It is contended that victim in her testimony disclosed that the applicant had been disturbing her for last 3-4 months, yet she had not filed any complaint in this regard. It is next submitted that it is not clear as to why the eye-witness PW-3 was present at the spot. It is also argued that from the perusal of the FSL report regarding the ammunition, it can be ascertained that the empty cartridge found at the place of incident and the alleged weapon (*desi katta*) recovered from the petitioner are both of different caliber i.e the empty cartridge is of 8 mm and the *desi katta* is manufactured to fire .315 bore. In these circumstances, it is prayed that the applicant be granted regular bail.

8. On the other hand, the learned APP for the State opposes the grant of bail to the applicant on the grounds that the attack on the victim was brutal and the applicant had caused grievous injuries to her, which was classified as “dangerous.” The weapon used, a *desi katta*, had also been recovered at the instance of the present accused. It is argued that the case is presently at the stage of prosecution evidence, and there is a risk that the accused may threaten or influence the remaining witnesses. Thus, it is prayed that the present bail application be dismissed.

9. This Court has heard arguments addressed by the learned counsel appearing for either side and has perused the material placed on record.



10. Having considered the submissions and perused the case file, this Court is of the opinion that the nature of the alleged offence and the allegations against the applicant are grave in nature. The injured in this case had sustained gunshot injuries on the chest, and her MLC categorically notes the nature of the injury as “dangerous.” The statement of the eyewitness Anil Kumar was recorded by the police, who had responded to the injured’s distress and taken her to the hospital. Further, the victim had herself named the applicant/accused Deepak Bhati as the assailant during the course of her being taken to the hospital.

11. Notably, the weapon of offence i.e. *desi katta* was recovered from the accused’s residence, at his instance, and the ballistic evidence supports the prosecution’s case. As far as the argument of learned counsel for applicant, that empty cartridge found at the place of incident is of 8 mm and the alleged weapon (*desi katta*) recovered from the applicant is manufactured to fire .315 bore i.e. both are different, is concerned, this Court finds the same unmerited, since the FSL report clearly opines that – “*The country made pistol .315” bore marked exhibit 'Fl' is designed to fire standard 8mm/.315” cartridges. It is in working order in its present condition.*”

12. Furthermore, the injured victim (PW-2) as well as the key eyewitness Anil Kumar (PW-3) have supported the prosecution case in their testimonies recorded before the learned Trial Court. The victim (PW-2) deposed that she had known the accused Deepak Bhati since 2016 but had stopped talking to him after his marriage in 2018. About 3–4 months before the incident, he began harassing her over the phone, pressuring her to marry him, and threatened to kill her when she refused. On the day of the incident, 21.07.2022, the accused threatened her again over a call and forced her to



accompany him to a secluded spot behind BBM Bus Depot, Mukherjee Nagar. There, he told her he had brought her to kill her and shot her with a country-made pistol. After the accused fled, she approached a passerby for help, who took her to the hospital. The eyewitness Anil i.e. PW-3, a surveyor working near the place of incident, deposed that on 21.07.2022, he saw a bleeding girl waving for help. Upon reaching her, she told him that she had been shot by her neighbour, Deepak Bhati. He tied his shirt on her wound and, along with a colleague, took her first to Durga Hospital and then to Hindu Rao Hospital.

13. As informed to this Court, only a few formal prosecution witnesses are left to be examined insofar as prosecution evidence is concerned, and the trial is expected to conclude within a reasonable time. Considering the severity of the allegations, the nature of the weapon used, the potential sentence which can be awarded to the applicant if he is convicted, and the possibility of the accused fleeing from justice if released on bail, this Court is not inclined to grant regular bail to the applicant at this stage.

14. Accordingly, the present application stands dismissed.

15. Nothing expressed hereinabove shall tantamount to an expression of opinion on the merits of the case.

16. The order be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

APRIL 29, 2025/zp

Click here to check corrigendum, if any