



\$~1

\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ **BAIL APPLN. 4331/2024**  
**KK SHARMA** .....Petitioner

Through: Mr. Vishesh Wadhwa and Ms.  
Shubhangi Singh, Advocates

versus

**STATE GOVT. OF NCT OF DELHI AND ANR.** .....Respondents

Through: Mr. Manoj Pant, APP for the State

**CORAM:**  
**HON'BLE DR. JUSTICE SWARANA KANTA SHARMA**

**ORDER**  
**03.04.2025**

%

1. By way of the present application, the applicant seeks grant of regular bail in case arising out of FIR bearing no. 125/2023, registered at Police Station Civil Lines, Delhi for the offence punishable under Section 307 of the Indian Penal Code, 1860 and Section 30 of Arms Act, 1959.
2. Briefly stated, the facts of the present case are that the FIR was registered on the statement of one Rajkumar Mudgal who had stated that he was elected as Honorary Secretary in Managing Committee of Panchdeep Cooperative Group Housing Society and one Pradeep Bahal was elected as presenting in Panchdeep Society. On 16.10.1998, DDA had allotted flats in Panchdeep Apartment through General Draw. Thereafter, Flat no. 100, Ground Floor, Panchdeep was allotted to Sh. S.K. Kapoor who had borrowed Rs. 80,000/- loan from Delhi Cooperative Housing Finance



Corporation (DCHFC). The DCHFC have issued instructions to members of society that each member of society will take permission prior to sale and purchase of flat. In December, 1990, the present accused/applicant had bought Flat no. 100 in the name of his wife Ms. Madhu Bala Sharma from S.K. Kapoor for which he did not take any permission from DCHFC. On 05.12.2006, Arbitrator Nominee Cooperative Society Department Delhi had passed a judgment/award of Rs. 4,62,633/- due to non-depositing of loan by S.K. Kapoor. The case proceeding were being heard by Assistant Collector and on 26.08.2014, Assistant Collector had passed attachment order of Property No. 100, Ground Floor, Panchdeep Appt, Vikas Puri, Delhi. The applicant K.K Sharma had filed an appeal against the said order before Finance Commissioner and the matter was fixed for hearing on 16/03/2023 before the Finance Commissioner. During the hearing, the Finance Commissioner had dismissed the appeal in favour of the society. It was alleged that after hearing of the case, Sh. Rajkumar Mudgal and Sh. Pardeep Bahel had come outside the Finance Commissioner's office and had stopped at a tea shop outside the gate. In the meantime, the applicant had also come outside the gate. Seeing both of them, the applicant had become very aggressive and had started shouting at them that they both have caused so much harm to him and he will not spare them. Thereafter, the applicant had taken out a gun from his bag and had fired gunshots aiming to kill the complainant. Somehow, the complainant had escaped. It is further stated that Sh. Pradeep Bahal had tried to stop the applicant but this time the applicant had targeted Sh Pradeep Bahal and had again fired twice aiming towards him. He had sustained bullet injury on his right hand. After that, PCR had come at the spot and injured Pradeep Bahal was taken to the hospital.



3. The learned counsel appearing for the applicant contends that the main witnesses in this case, including the injured victim, have already been examined before the learned Trial Court. He further states that the accused herein is 71 years of age, having no previous involvement, and he is in judicial custody for about 15 months. In these circumstances, he prays that the applicant be granted regular bail.

4. The learned APP for the State points out that the previous bail application of the accused herein was dismissed by this Court *vide* order dated 25.08.2023.

5. The learned counsel appearing on behalf of the victim states that one more eye witness remains to be examined, who is the Security Officer, who was posted outside the Court, and thus, bail be rejected at this stage.

6. This Court has heard arguments addressed by both the parties and has perused the material on record.

7. Having heard argument and perused the case file, this Court notes that the applicant herein is aged about 71 years, and he has remained in judicial custody for about 15 months. Material witnesses have already been examined before the learned Trial Court.

8. Considering the overall facts and circumstance of the case and the fact that there are about 25 prosecution witnesses in this case, the injury sustained by the victim is simple in nature and the trial will take some time to conclude, this Court is inclined to grant regular bail to the applicant on his furnishing personal bond in the sum of Rs.15,000/- with one surety of the like amount, subject to the satisfaction of the learned Trial Court/Successor Court/Link Court/Duty Judge concerned on the following terms and conditions:



- i. The applicant shall not directly or indirectly contact the victim or her family members and not to make an attempt to influence the witnesses, or tamper with the evidence in any manner.
  - ii. The applicant shall share his mobile number with the concerned IO/SHO, and shall keep the same switch on/active at all times.
  - iii. In case of change of residential address/contact details, the applicant shall promptly inform the same to the concerned Court.
  - iv. The applicant shall appear regularly before the learned Trial Court.
9. Accordingly, the present application stands allowed.
10. It is, however, clarified that nothing expressed hereinabove shall tantamount to an expression of opinion on merits of the case.
11. The order be uploaded on the website forthwith.

**SWARANA KANTA SHARMA, J**

**APRIL 3, 2025/ns**

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