

211-A

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M No.20527 of 2015
Date of Decision: 17.07.2015**

**Chander Sagar @ Gharonda and another
....Petitioners**

Vs.

**State of Haryana
....Respondent**

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Atul Lakhanpal, Senior Advocate with
Mr. Arjun Lakhanpal, Advocate
for the petitioners.

Mr. Yashwinder Singh, D.A.G., Haryana.

Mr. R.S. Mamli, Advocate
for the complainant.

1. *Whether Reporters of local papers may be allowed to see the judgment ?*
2. *To be referred to the Reporters or not ?*
3. *Whether the judgment should be reported in the Digest?*

RAJ MOHAN SINGH, J.

[1]. Prayer made in this petition is for grant of regular bail in case bearing FIR No.514 dated 09.08.2014 under Sections 302/34/120-B IPC and under Sections 25/27 of Arms Act, P.S. City Fatehabad, Distt. Fatehabad.

[2]. Petitioners Chander Sagar @ Gharonda and Anup @ Nupy have sought regular bail on the ground that the FIR came to be registered on the statement of Banty.

[3]. Prosecution story is that deceased Bharat left home on a motorcycle at about 9.00 p.m. in order to purchase biscuits for his dog. He went towards bus stand where complainant was also present in front of the bus stand. After purchasing biscuits from a tea vendor when Bharat was making payment, four persons came on a motorcycle and stopped near Bharat. One of them fired upon Bharat and he was identified as Subhash Nai. Bharat fell down and the assailants fled away from the spot. Other assailants were identified to be Nupi Naik, Gharonda @ Chander Sagar and Sonu Naik. Subhash Nai and Sonu Naik were found to be innocent during investigation and they have been summoned by the trial Court under Section 319 Cr.P.C., on the basis of statement of the complainant.

[4]. The prosecution has alleged that Bharat used to quarrel with Gulshan Kumar and on account of that grudge Gulshan Kumar hired Vinod @ Dholia and got him murdered after doing reki of his whereabouts. The Police implicated Gulshan Kumar, Ravinder Kumar @ Poppy, Vinod @ Dholia, Neeraj @ Tinda, Manish, Naveen, Anup @ Nupi and Ghronda Naik. Police arrested all the eight persons. Motorcycle and sim were recovered from Ravinder Kumar @ Poppy on the basis of his disclosure statement.

[5]. The Police then prepared a final report under Section 173 Cr.P.C. against Anup @ Nupi, Gharonda Naik @ Chander Sagar, Ravinder Kumar @ Poppy, Gulshan Kumar, Vinod Kumar @ Dholia, Manish @ Bania.

[6]. Trial Court chargesheeted Gharonda Naik @ Chander Sagar, Anup @ Nupi Naik, Gulshan Kumar, Ravinder Kumar @ Poppy, Vinod @ Dholia for hatching conspiracy along with Manish @ Bania, Naveen and Pammi. Ravinder Kumar @ Poppy and Vinod @ Dholia were chargesheeted for offence under Section 302 IPC.

[7]. Subhash Nai, Sonu Arora, Satish @ Chikna, Rai Singh and Sheelu Gujjar were sought to be summoned as additional accused under Section 319 Cr.P.C. Trial Court summoned Subhash Nai and Sonu Arora under Section 319 Cr.P.C. Complainant himself left Satish @ Chikna and Rai Singh from being summoned under Section 319 Cr.P.C. No incriminating material was found against Sheelu Gujjar for summoning him under Section 319 Cr.P.C., by the trial Court. Ravinder Kumar @ Poppy has already been granted bail.

[8]. Learned counsel for the petitioners has submitted that since the complainant version was found to be wrong by the prosecution in respect of involvement of Subhash Nai and Sonu Naik, therefore, complicity of petitioners stands diluted and their case is also at par with Ravinder Kumar @ Poppy who has since been granted regular bail.

[9]. Looking to the consistency in the stand of complainant from the very beginning, complicity of petitioners is required to be adjudged at the conclusion of trial. Petitioners were named in the FIR, they were amongst those persons who came on motorcycle and one of them Subhash Nai fired upon the deceased-Bharat.

[10]. In the Statement as PW-2, complainant has reiterated his earlier stand. Therefore, petitioners are not entitled to concession of regular bail. Prayer of regular bail is accordingly dismissed.

[11]. Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

July 17, 2015

Atik

(RAJ MOHAN SINGH)
JUDGE