

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

1. **CRM-M No.33127 of 2015**
Date of Decision: 06.11.2015

Chander Sagar @ Gharonda	...Petitioner
Vs.	
State of Haryana	...Respondent

2. **CRM-M No.33993 of 2015**

Anup @ Nupy	...Petitioner
Vs.	
State of Haryana	...Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. A.P.S. Deol, Senior Advocate with
Mr. Vishal Rattan Lamba, Advocate
for the petitioner(s).

Mr. Siddharth Sanwaria, D.A.G., Haryana.

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]. Vide this common order CRM-M No.33127 of 2015 and CRM-M No.33993 of 2015 are being disposed of as both these petitions have arisen out of the same FIR/occurrence.

[2]. These are second petitions for grant of regular bail to the petitioner(s) in case bearing FIR No.514 dated 09.08.2014 registered under Sections 302/34/120-B IPC and under Sections 25/27 of Arms Act at P.S. City Fatehabad, Distt. Fatehabad.

[3]. Petitioners in both the petitions namely Chander Sagar @

Gharonda and Anup @ Nupy have sought regular bail in aforesaid FIR which came to be registered at the instance of complainant-Bunty.

[4]. 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 Arora. Subhash Nai and Sonu Arora 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.

[5]. 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 card were recovered from Ravinder Kumar @ Poppy on the basis of his disclosure statement.

[6]. The Police after completion of investigation 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.

[7]. 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.

[8]. 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.

[9]. Learned Senior counsel for the petitioner(s) submits that since the basic story propounded by the complainant was found to be wrong in the context of involvement of Subhash Nai and Sonu Arora, therefore, the case of the petitioner(s) be treated at par with the role attributed to Ravinder Kumar @ Poppy who had already been granted benefit of regular bail.

[10]. So far as the complicity of both the petitioners is concerned, their role is specific from the very inception. They were named in the

FIR. They were the persons who came on motorcycle and one of them Subhash Nai fired upon the deceased Bharat. Their involvement was never diluted by the complainant. They cannot take benefit of any alleged investigation in which Subhash Nai and Sonu Arora, Satish @ Chikna and Ravinder Singh @ Poppy were found innocent and 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.

[11]. Since the earlier bail applications were declined on merits, therefore, in considered opinion of this Court, no new ground is made out for granting regular bail to the petitioner(s) (in both the cases). Grant of anticipatory bail to co-accused Sonu cannot be equated with the complicity of the petitioner(s) (in both the cases) which is to be adjudged at the time of conclusion of the trial as observed in previous petition for grant of regular bail.

[12]. In view of aforesaid, no indulgence can be granted to the petitioner(s), consequently, both the petitions are dismissed.

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

November 06, 2015

Atik

(RAJ MOHAN SINGH)
JUDGE