

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

**CRM No. M-43107 of 2016 (O&M)
DECIDED ON: DECEMBER 23, 2016**

NIRMAL SINGH

.....PETITIONER

VERSUS

CENTRAL BUREAU OF INVESTIGATION, CHANDIGARH

.....RESPONDENT

CORAM: HON'BLE JUSTICE JASPAL SINGH

Present: Mr. S.K. Garg Narwana, Sr. Advocate with
Mr. Teevar Sharma, Advocate and
Mr. Naveen Gupta, Advocate,
for the petitioner.

Mr. Chetan Mittal, Sr. Advocate with
Mr. Mohinder Singh Nain, Advocate
for the respondent-CBI.

JASPAL SINGH, J (ORAL)

By virtue of instant petition preferred under Section 439 Cr.P.C.,
petitioner has sought bail in case bearing FIR No. RC-10 (S)/2003/SCB/CHG,
dated 09.12.2003, under Sections 302, 307 and 34 IPC and Sections 25 and 27
of Arms Act, registered at Police Station CBI, SCB, Chandigarh.

2. Instant case stands registered on the basis of statement of Aridhman
s/o Ram Chander Chattarpati, who was allegedly shot on 24.10.2002.

3. Shortly put, the allegations against the petitioner are that he was a

participant in the alleged crime of murder of Ram Chander Chattarpati, who was a Journalist by profession and a publisher of "Poora Sach" evening newspaper. Petitioner is alleged to have accompanied his co-accused namely Kuldeep Singh @ Kala on 24.10.2002, at about 7:45 p.m., who allegedly fired upon Ram Chander Chattarpati, which proved fatal. He has been attributed exhortation (lalkara) and instigated his co-accused Kuldeep Singh @ Kala by uttering the words "**Kuldeep goli maar**" and when Kuldeep Singh @ Kala fired shot upon the deceased, he is alleged to have utter the words "**Nirmal bhaagle kaam ho gaya**" Subsequently, both the accused tried to escape from the place of occurrence but one of them namely Kuldeep @ Kala is alleged to have intercepted/apprehended by a Constable, who was on patrolling duty near the place of occurrence.

4. During the investigation of the case, one 'REVOLVER' and 'SWORD' are alleged to have been recovered from the petitioner. Further, it also emerged from the investigation that the 'REVOLVER' belonged to Krishan Lal, with which Kuldeep @ Kala is alleged to have fired a shot upon Ram Chander Chattarpati, which proved fatal.

5. Undisputably, the petitioner was arrested in this case on 26.10.2002. He was subjected to custodial interrogation, during which, the 'REVOLVER' allegedly used in the course of occurrence was recovered from him.

6. Here, it would be pertinent to mention that co-accused of the petitioner namely Krishan Lal, who is a licence holder of the 'REVOLVER' which was allegedly used during the course of occurrence, has already been

granted the concession of bail by this Court in the year 2004 whereas, the petitioner is suffering incarceration from the date of his arrest i.e. for the last more than 14 years. Though, the trial is stated to be listed for final arguments, however, passing of final order has been stayed by this Court in a revision petition preferred by the co-accused of the petitioner namely Kuldeep @ Kala and Krishan against the order vide which defence evidence was closed by orders of the Court, which is suggestive of the fact that the conclusion of the trial would certainly take considerable time.

7. Keeping in view the aforesaid aspects but without expressing any opinion on merits, this Court finds that a case is made out for grant of bail. Accordingly, petition is allowed and petitioner is ordered to be released on bail at the satisfaction of ld. trial court/Duty Magistrate, Panchkula.

8. However, taking into consideration the nature of offence(s) complained of against the petitioner and other circumstances, the concerned Court may consider with regard to the imposition of some stringent conditions as well as heavy surety bonds.

DECEMBER 23, 2016
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(JASPAL SINGH)
JUDGE

Whether speaking/reasoned *Yes/No*

Whether reportable *Yes/No*