

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

+ **BAIL APPLN. 929/2016**

Date of Decision: June 01st, 2016

NARENDER KUMAR AHLAWAT Petitioner
Through Mr.K.K. Manan, Sr. Adv. with
Ms.Anjali Rajput, Mr.Nihit Dalmia,
Mr.Puneet Singh Dhir & Mr.Saurabh
Kapoor, Advs.

versus

STATE (NCT OF DELHI) Respondent
Through Mr.Amit Chadha, APP.
Mr.Sanjay Abbot and Mr.Tanmaya
Mehta, Advs. for the complainant.

**CORAM:
HON'BLE MR. JUSTICE P.S.TEJI**

P.S.TEJI, J.

1. The present application under Section 439 of the Cr.P.C. has been filed on behalf of the petitioner for the grant of regular bail in FIR N.497/2012, under Sections 302/149/307/147/148/149/323/325/342/365/368/395/397/452/120B IPC and Sections 25/27/30 Arms Act, Police Station Mehrauli (Crime Branch).
2. Arguments advanced by learned Senior Counsel for the petitioner, learned Additional Public Prosecutor for the State as well as learned counsel for the complainant were heard at length.
3. The allegations leveled in the present case are that on 17.11.2012 at 11.50 a.m., on receipt of a call, the police reached DLF

Farm No.42, Chattarpur where a dead body of Hardeep Singh was found in the guard room. On receipt of another call at 12.28 p.m., police reached the spot where statement of Nand Lal, driver of Hardeep Singh was recorded who stated that on that day he was present at Farm House No.42. One Sonu came running from gate no.3 and stated that 30/40 persons were breaking the gate no.1. When complainant came downstairs, 4-5 cars having several persons came inside the farm house including Bisht, Anna and Prembir who were working with Ponty Chadha as PSOs. He further stated that Bisht and Anna grabbed him and Bisht handed him over to Prembir who fired two gun shots in the air and told the persons present in the farm house to vacate the farm house. The other persons who came in cars started beating the persons present in the farm house with hockey stick, sword, sticks and dragged out the persons present in the farm house. They put Nand Lal in car and took him to Farm House No.34, Central Drive, Chattarpur and detained him in a room. After sometime, one person came from outside and called the five persons present in Farm House No.34 and then all of them left from there. Nand Lal escaped from the said farm house. On the basis of statement of Nand Lal, FIR was registered.

Another call was received by police at 13.20 hours to the effect that Gurdeep Singh @ Ponty Chadha had been admitted as brought dead in Fortis hospital. In the hospital, one Sukhdev Singh Namdhari met the police officials and on his statement FIR No.496/2012 was registered. In the said FIR, it was alleged that on 17.11.2012 at about 9.30 a.m., Sukhdev Singh Namdhari and his friend Gurdeep Singh @

Ponty Chadha went to Farm House No.21 and after that they reached Farm House No.42 but the gate of the said farm house was locked. Narender, Security Manager reached there and opened the lock of the gate with the help of key. Hardeep along with his PSOs reached there and opened fire on Narender. After that Hardeep turned towards them and opened the fire on Ponty Chadha and also fired two bullets towards him. Sachin Tyagi, PSO of Sukhdev Singh Namdhari fired upon Hardeep to save him.

4. Learned Senior Counsel for the petitioner has argued that the petitioner was granted interim bail on medical grounds by the Trial Court vide order dated 11.04.2013 which was extended from time to time. It was further argued that the petitioner was an employee of Ponty Chadha, however the petitioner was arrested on the last day of filing of charge sheet. It was further argued that nothing incriminating has been recovered either from the possession or at the instance of the petitioner. The petitioner is not required for the purpose of investigation as the charge sheet has already been filed and charges have been framed against him. The petitioner is a victim/injured in the present case and he had no motive to commit such crime as he was neither beneficiary nor receiver of any property in question. It was further argued that the condition of the petitioner is not stable as he has to move from one place to another on a wheel chair. The petitioner was arrested on 15.02.2013 and since then he is in judicial custody. It is further argued that the petitioner was just following the directions of his employer and had no role in the commission of crime of the present case.

5. On the other hand, learned APP for the State has opposed the bail application on the ground that the petitioner was one of the managers of Ponty Chadha and was part of the conspiracy. He had played a pivotal role in arranging the meeting between Ponty Chadha and Sukhdev Singh Namdhari and was present at gate no.3 of farm house no.42 at the time of incident. It was further argued that the petitioner was present at gate no.3 to allow the entry of Ponty Chadha and Sukhdev Singh Namdhari to take the possession of farm house belonging to Hardeep Chadha. It was further argued that the petitioner was in regular touch of Ponty Chadha through his mobile phone before and after the forcible possession of farm house. It was further argued that witness Prabhakar Sharma has stated that he received a call from the petitioner who told him to be present at the gate of farm house no.42 and do not allow anyone to come. After sometime, petitioner came and gave the key of kothi situated inside the Farm House No.34 and instructed him to go and open the kothi doors. After about 45 minutes, Prembir along with two PSOs came with Nand Lal, driver of Hardeep Singh Chadha and took him inside the kothi. So far the medical condition of the petitioner is concerned, it was argued that the medical opinion with regard to his medical condition was sought from the medical board of AIIMS hospital wherein it was opined that the medical treatment of the petitioner is possible and it can be continued even if he is in the judicial custody. It was further argued that in the present case 20 persons were arrested and charge sheeted; 22 witnesses have been examined; other important witnesses are yet to be examined and the trial is at the crucial stage.

6. After going through the arguments advanced from either side, this Court is of the view that so far as the medical condition of the petitioner is concerned, as per the submission of the learned APP, the petitioner can get the medical treatment in judicial custody as opined by the medical board of AIIMS hospital and there is no requirement to release the petitioner on bail to get him medically treated outside.

7. So far the other contentions made on behalf of the petitioner regarding his non-involvement in the present case are concerned, it is not the stage to comment on the merits of the case inasmuch as the prosecution witnesses are still under examination and it has not been completed so far. No comment on the aspect whether there was any role of the petitioner in the alleged incident or not can be made at this stage. The petitioner has been charge sheeted for hatching a criminal conspiracy and committing the murder apart from committing other offences. There are serious allegations against the petitioner and there is apprehension of influencing the prosecution witnesses.

8. In the facts and circumstances mentioned above, this Court does not find it a fit case to release the petitioner on bail. The bail application is accordingly dismissed.

(P.S.TEJI)
JUDGE

JUNE 01, 2016
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