

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

+ **BAIL APPLN. 1017/2016**

Date of Decision: August 03rd, 2016

SATNAM SINGH

..... Petitioner

Through: Mr.Ramesh Gupta, Sr.Adv. with
Mr.Manu Sharma, Ms.Ridhima
Mandhar and Mr.Abhir Datt, Advs.

versus

STATE (NCT OF DELHI)

..... Respondent

Through: Mr.Amit Chadha, APP.

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

P.S.TEJI, J.

1. The present application has been filed by the petitioner, under Section 439 Cr.P.C. for the grant of regular bail in FIR No.497/2012, under Sections 307/452/365/342/368/395/397/34/120B IPC, Police Station Mehrauli.

2. The facts, in brief, are that on 17.11.2012 at 11.50 a.m., a call was received by the police to the effect that a quarrel was taking place at DLF Farm House No.42, Chattarpur. The said call was entrusted to ASI Virender Singh who reached the spot and found the dead body of a male person, namely, Hardeep Singh Chadha in the guard room. Another call was received by the police at 12.28 p.m. to the effect that a quarrel was taking place at

DLF Gate Chattarpur which was assigned to SI S.P. Singh who reached the spot and met ASI Virender Singh there. Statement of Nand Lal was recorded to the effect that the complainant was working as driver with Sh.Hardeep Chadha. On 17.11.2012 at about 11 a.m., the complainant was present at the farm house no.42, Central Drive DLF, Chattarpur, Delhi. Staff cook Sonu came running from gate no.3 and informed that 30/40 persons were breaking the gate no.1 and were trying to enter inside. By the time complainant came out of his room, he saw 4/5 vehicles having several persons in them. The complainant knew five persons who were working as PSO of Ponty Chadha, brother of Hardeep Singh Chadha. Those persons were including Bisht, Anna and Prembir. Bisht and Anna caught hold of the complainant and handed him over to Prembir. Bisht fired two gun shots in the air and threatened the persons present in the farm house to vacate the farm house. The persons came in the vehicles and the PSOs were armed with hockey, stick, sword, dandas and started beating the persons present in the farm house. They threw everyone from the farm house and put a lock on the farm house. Those persons made the complainant sit in a car and took him to farm house no.34, Central Drive DLF, Chattarpur. The complainant kept on sitting inside the room and after sometime, one person came from outside and asked the other three persons to come out and then those three persons left the room. On seeing the opportunity, the complainant ran away from there. He also stated that those persons snatched the mobile phones of the employees. On the basis of statement of

Nand Lal, FIR of the present case was registered.

3. In the meantime, other police officials arrived at the spot. At 13.20 hours, a called was received from Fortis Hospital that Gurdeep Chadha @ Ponty Chadha was admitted in hospital as brought dead. Police officials reached the hospital and on the basis of the statement of Sukhdev Singh Namdhari, FIR No.496/2012 was registered.

4. During investigation of the present FIR, exhibits were lifted from the spot. Arms, ammunition, vehicles, cartridges etc. were seized from the spot. Statements of witnesses were also recorded. Accused Bhupender Singh Bisht, Rajpal Singh, Anand Singh Bisht and Uday Raj Singh @ Anna were arrested on 19.11.2012. On 28.11.2012, petitioner/accused Satnam Singh was arrested. It was alleged against him that he was involved in the conspiracy of armed trespass along with other employees of Ponty Chadha. It was also alleged that on the day of incident accused Satnam Singh was present inside the forcibly occupied farm house and on the directons of Bhupender Singh, employee of Ponty Chadha, he went to gate no.3 and later handed over the keys of the locks to Narender Ahlawat as the gate was locked from both outside and inside. It is also alleged against him that he brought hammer, paint and brush to break open the locks of farm house no.42 and to replace the locks already installed.

5. Arguments advanced by the learned Senior Counsel for the petitioner as well as by the learned Additional Public Prosecutor for the State were heard.

6. Argument advanced by the learned Senior Counsel for the petitioner/accused is that he was arrested on the basis of disclosure statement of co-accused which cannot be relied upon. It was submitted that there is no material against the accused and the allegations are incorrect. The only allegation against the petitioner is that he was guarding the inside lock of the main gate of farm house no.42, but there is no evidence to show that he was involved in the conspiracy or its execution. Also, there is no evidence that the petitioner was present at the scene of crime and participated in it.

7. Learned Additional Public Prosecutor for the State opposed the bail on the ground that four prosecution witnesses in their statements under Section 161 Cr.P.C. have named the petitioner that he was member of unlawful assembly, commission of illegal act of threatening, illegal trespass, snatching of mobile phones and breaking open the locks. Arms and ammunitions were also used in the incident and murder of Hardeep Singh Chadha had taken place due to which charges under Section 302/149 IPC were also framed. The accused is being tried for a heinous offence of murder and hatching a criminal conspiracy.

8. From the facts brought to the knowledge of this Court, it is apparent that the petitioner alongwith other co-accused persons has been charged for various offences including unlawful assembly, attempt to murder, robbery, house trespass, destruction of evidence, murder and possessing illegal arms. The allegations leveled against the petitioner are serious in nature as he was found

involved in murder, attempt to murder, robbery, unlawful assembly, hatching criminal conspiracy and under various other sections. No comment on the contention of the petitioner that he was just guarding the gate can be made at this stage as the trial of the case is still going on.

9. During the course of arguments, it was submitted that out of 174 witnesses, only 23 witnesses have been examined. The contention of the learned Senior Counsel for the petitioner that the conclusion of trial is likely to take much time as numerous prosecution witnesses are still to be examined and that the petitioner is in custody since 28.11.2012.

10. Though it is a matter of record that numerous prosecution witnesses are still to be examined and the petitioner is behind the bars for more than 3½ years, but keeping in view the seriousness of offence and the role attributed to the petitioner by the prosecution, this Court is not inclined to grant bail to the petitioner.

11. However, the Trial Court is directed to expedite the recording of prosecution evidence and conclude the evidence preferably within a period of one year and if need arises proceed with the trial on day to day basis.

12. The bail application is accordingly disposed of.

(P.S.TEJI)
JUDGE

AUGUST 03, 2016
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