

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

CRM-M No. 290 of 2017
Date of Decision: 27.01.2017

Chander Sagar @ Gharonda

-Petitioner

Versus

State of Haryana

-Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. S.S. Sahu, Advocate,
for the petitioner.

Mr. P.P. Chahar, D.A.G., Haryana.

RAJ MOHAN SINGH, J.

Petitioner seeks regular bail in case FIR No. 514 dated 09.08.2014, under Sections 302, 34, 120-B IPC and 25 of Arms Act, registered at Police Station City Fatehabad, District Fatehabad.

The prosecution story as emerged from the FIR was that the complainant gave eye witness account that his brother Bharat went to a tea shop for purchasing biscuits for the dog. Four persons came there on motorcycle. One of them fired at the brother of the complainant. The said person was identified as Subhash Nai. Other persons were identified as Nupi Nayak, Chander Sagar @ Gharonda and Sonu Arora. During investigation, Subhash Nai and Sonu Arora were found to be innocent and they were summoned under Section 319 Cr.P.C. on the basis of statement of the complainant.

The prosecution alleged that brother of the complainant used to quarrel with Gulshan Kumar and said Gulshan Kumar hired Vinod @ Dholia who got him murdered after doing reki. The police implicated Gulshan Kumar, Ravinder Kumar @ Poppy, Vinod @ Dholia, Neeraj @ Tinda, Manish Kumar, Naveen @ Noni, Anoop @ Nupy and Gharonda Naik. The police arrested all the eight persons. The motorcycle and sim card were recovered from Ravinder Kumar @ Poppy on the basis of disclosure statement.

Final report under Section 173 Cr.P.C. was prepared against Anoop @ Nupy, Chander Sagar @ Gharonda, Ravinder Kumar @ Poppy, Gulshan Kumar, Vinod @ Dholia, Manish Kumar @ Bania. Subhash Nai, Satish @ Chikna, Rai Singh and Shilu Gujar were sought to be summoned as additional accused under Section 319 Cr.P.C. Trial Court summoned only Subhash Nai and Sonu Arora under Section 319 Cr.P.C. The complainant himself left Satish @ Chikna and Rai Singh.

No incriminating material was found against Shilu Gujar for summoning him as additional accused. Ravinder Kumar @ Poppy has already been granted bail.

Learned counsel for the petitioner submitted that the original version given by the complainant was found to be false in the context of involvement of Subhash Nai and Sonu Arora and, thereafter, the case of the petitioner was to be treated at par with

Ravinder Kumar @ Poppy who had already been granted regular bail.

Learned counsel for the petitioner also submitted that after summoning of additional accused, trial Court proceeded to frame two separate charge sheet on the same date. One charge sheet was framed as per investigation of the case and second charge sheet was framed as per version of the complainant. There were two sets of accused persons.

After dismissal of anticipatory bail of Subhash who is the main accused in the FIR, he surrendered before the trial Court. After dismissal of his prayer for regular bail, aforesaid Subhash ventured to file CRM-M No. 7784 of 2016 in the High Court which was allowed vide order dated 21.04.2016. Thereafter, trial started in terms of two separate charge sheets. Co-accused Bunty was arrested. Challan qua Bunty was awaited. After filing of challan, fresh charge sheet was framed.

Thereafter, two prosecution witnesses were examined. As per testimony of complainant, no specific allegation was alleged against the petitioner. All the co-accused including the main accused have already been granted bail.

Petitioner is in custody for more than two years. Co-accused Subhash against whom allegations of fire shots were attributed has since been granted regular bail by the High Court on

21.04.2016. The complainant has also been examined.

Vide order dated 23.11.2016 passed in CRM-M No. 40935 of 2016, petitioner withdrew the petition with a liberty to approach the trial Court in view of changed circumstances. Permission was granted. Thereafter, petitioner filed application for regular bail before the trial Court which was dismissed on 12.12.2016.

I have considered the submissions made by learned counsel for both the parties.

Since, all the co-accused against whom material allegations were made in the FIR have since been granted bail, looking to the total custody of the petitioner, I feel that benefit of regular bail can be given to the petitioner. At this stage, without meaning anything on the merits of the case, the petitioner is ordered to be released on regular bail subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court.

Nothing expressed hereinabove would be construed to be an opinion on merits of the case.

27.01.2017

jyoti Y.

**(RAJ MOHAN SINGH)
JUDGE**

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No