

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-24408-2018 (O&M)
Date of decision: 13.07.2018

Jitender Gandhi @ Jitender Sharma

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Somesh Gupta, Advocate
for the petitioner.

Mr. Naveen Sheoran, DAG, Haryana.

Mr. Brijender Kaushik, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of anticipatory bail in FIR No.191 dated 06.05.2018 under Sections 302, 120-B IPC, registered at Police Station Ambala Cantt., District Ambala.

Learned counsel for the petitioner submits that as per allegations in the FIR, complainant Isha Goyal wife of deceased Sandeep Goyal alleged that co-accused Vijay Sharma is residing in front of her house and the petitioner and his brother Virender Gandhi are also family members of Vijay Sharma and were residing in the adjoining house of aforesaid main accused Vijay Sharma. It is further stated that the accused persons used to taunt and tease the family of the complainant. The daughter of the complainant, who is aged about 14 years,

was also teased by main accused Vijay Sharma and his sons Pankaj, Vishal, Rajat and Chetan and deceased Sandeep Goyal has registered an FIR against all of them in Women Police Station, Ambala. It is further stated that with regard to causing injury to husband of the complainant Sandeep Goyal, another FIR was registered against Vijay Sharma and others in Police Post Topkhana, Ambala. It is also stated in the FIR that on 06.05.2018 at about 9.30 a.m., when aforesaid Vijay Sharma along with all other co-accused including petitioner Jitender started abusing, the complainant and her husband stopped them and in the meantime, co-accused Pankaj brought a revolver from his house and handed over the same to his father Vijay Sharma and all the accused persons started saying that since the complainant and her family have made their life hell, they should be killed. Vijay Sharma fired a shot on Sandeep Goyal, which hit on his right thigh and thereafter, he fired two more gunshots, which hit on the neck and right shoulder of the deceased. Thereafter, Vijay Sharma ran away from the spot. The complainant with the help of neighbours took her husband Sandeep Goyal to Civil Hospital, where he was declared brought dead.

Learned counsel for the petitioner further submits that the petitioner has been named in the FIR being cousin of the main accused Vijay Sharma (son of father's brother) and no role is attributed to him except that he was present at the spot. It is further submitted that as per CCTV footage, the incident is shown to be of 10.30 a.m. and not 9.30 a.m., as stated by the complainant. It is also submitted that even on the earlier two occasions, when the FIRs were registered against Vijay Sharma, petitioner was not named and he has been named in the present FIR on account of previous rivalry between the complainant and Vijay Sharma. Learned counsel for the petitioner has further

submitted that the complainant has given a supplementary statement to the police after 05 days of the incident and has made improvement in the earlier version regarding role of the petitioner.

Learned State counsel, on instructions from ASI Kushal Pal Singh and assisted by learned counsel for the complainant, has however opposed the prayer for bail on the ground that in the supplementary statement, the complainant has stated that she along with her deceased husband had gone to the roof of their house on the date of incident at about 8.00 a.m., where all the accused persons including the petitioner were already present along with some ladies of their family and they started abusing the complainant and her husband. In the statement, it is further stated that Vishal @ Sonu and Pankaj sons of Vijay Sharma raised a voice by saying that bring a revolver and finished the dispute with Sandeep Goyal and in the meantime, Pankaj brought the revolver and handed over the same to his father Vijay Sharma, who started threatening Sandeep Goyal. On this, ladies tried to calm down Vijay Sharma and he came down from the roof and after some time, the complainant noticed that the accused persons were roaming in the street and on receiving a phone call, when husband of the complainant went to the street, the said incident, in which Vijay Sharma fired fatal shots with his pistol on Sandeep Goyal, took place. It is thus submitted by learned State counsel that the prosecution has collected the evidence regarding all the accused persons, including the petitioner, conspiring with main accused Vijay Sharma, for commission of the heinous crime, due to the previous enmity.

Learned counsel for the complainant has placed on record the certain documents along with affidavit of the complainant to submit that

deceased Sandeep Goyal had obtained certain information under the RTI Act with regard to a shop i.e. Sharma Colour Lab, which was run by main accused Vijay Sharma and his sons, which according to him was illegally constructed. After seeking such information, some part of the shop was demolished and on that account, accused persons were nourishing a grudge against deceased Sandeep Goyal.

Learned counsel for the complainant has also relied upon a letter dated 22.07.2016 addressed by deceased Sandeep Goyal to the Commissioner, Municipal Corporation, Ambala, wherein he has asked certain information regarding the shop of co-accused Vijay Sharma and in that application, deceased Sandeep Goyal has also stated that Vijay Kumar and Ajay Kumar and their family members are threatening to kill him and ultimately, they succeeded in committing the murder of Sandeep Goyal.

After hearing learned counsel for the parties and considering the serious allegations levelled against the petitioner and gravity of the offence committed by the accused persons, I do not deem it to be an appropriate case for grant of anticipatory bail.

Dismissed.

[ARVIND SINGH SANGWAN]
JUDGE

13.07.2018
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No