

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

Sr. No.213

CRM-M-51993 of 2018

DECIDED ON: December 03, 2018

GURMANTAR @ GAGAN CHEEMA

..PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Navjot Singh, Advocate, for the petitioner.

Mr. D.R. Singla, DAG, Haryana.

Mr. Manoj K. Tanwar, Advocate, for the complainant.

SUDHIR MITTAL, J. (ORAL)

The petitioner seeks regular bail in FIR No.606, dated 04.07.2017, under Sections 302, 34, 120-B, 420, 473 IPC and Section 25 of Arms Act, 1959, registered at Police Station City Thanesar, District Kurukshetra (P-1).

Vide order dated 09.10.2018, the first bail application of the petitioner was dismissed as withdrawn as an eye-witness was due to be examined on 25.10.2018.

Learned counsel for the petitioner submits that the said eye-witness namely Anshuman-PW13 has turned hostile and thus, the petitioner deserves to be granted regular bail. He also relies upon order dated 16.08.2018 passed in CRM-M-3121 of 2018 (P-5) to submit that the

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petitioner is also named as a conspirator as were the accused on whose behalf the said petition had been filed. Being similarly situated, the principle of parity applies in favour of the petitioner.

The prayer is opposed by the learned State counsel as well as counsel for the complainant. They submit that the petitioner is the main conspirator. The deceased namely Surender Kumar @ Jalandhar was a witness in a particular case, in which, the petitioner was the main accused and he desired that the deceased person should turn hostile. However, said Surender Kumar @ Jalandhar refused to turn hostile and therefore, the petitioner got hired persons to kill him. The same is evident from the disclosure statement of the person who killed Surender Kumar @ Jalandhar. Thus, the claim for parity made on the basis of order dated 16.08.2018 passed in CRM-M-3121 of 2018 is not sustainable. It is, however, not denied that Anshuman PW-13 has turned hostile. It is submitted that all the other witnesses have supported the case of the prosecution.

Thus, it is apparent that the petitioner is moving force behind the conspiracy to eliminate Surender Kumar @ Jalandhar. He does not deserve to be released on regular bail and the petition is accordingly dismissed.

It is however made clear that nothing stated hereinabove shall be deemed to be an opinion on the merits of the case.

December 03, 2018

Ankur

**(SUDHIR MITTAL)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No