

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

Criminal Misc. No.M-53274 of 2021(O&M)

Date of Decision: April 08, 2022

Naresh @ Ranjha

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

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Present: - Mr.Rahul Jaswal, Advocate for the petitioner.

Mr.Saurabh Girdhar, AAG, Haryana.

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HARINDER SINGH SIDHU, J.

The petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail in case FIR No.499 dated 22.10.2018 under Sections 302/120-B IPC and Section 25 of the Arms Act (Sections 34 and 212 IPC added later on), Police Station Butana, District Karnal.

FIR was registered on the statement of one Anuradha, who stated that on 22.10.2018 at about 5.15 PM, her husband Tejinder Singh Bagga (deceased) had gone on Scooty to purchase household goods from the Market. When her husband did not return for a quite long time, her sister Pooja made a telephonic call to Tejinder Singh Bagga asking as to why he had not come back. Tejinder told to Pooja that he had been shot with bullets by two motorcycle borne boys. Complainant Anuradha along with her mother-in-law Kamaljeet Kaur (PW8) and her sister Pooja reached at the spot. Injured Tejinder was brought to Kalpna Chawla Government Medical

survive. The complainant suspected the involvement of Raj Sarpanch of Village Sandheer and his father Dharampal and others in the murder of her husband.

During the course of investigation, next day i.e. on 23.10.2018 Naresh @ Ranjha (petitioner) was arrested. He disclosed that in the year 2016 he and co-accused Anki and Rajpal @ Raj were lodged in District Jail, Karnal in some criminal case. They became friendly with each other and remained so after release on bail. Co-accused Rajpal @ Raj, who later went to America was in touch with the petitioner through Whatsapp calls. It was further disclosed that the petitioner (Naresh) wanted to go to Singapore and he required 3.5 lacs. He had borrowed Rs.1 lac from one Sandeep and Rs.1.5 lacs from his brother Kuldeep. The petitioner still required Rs.1.5 lacs and he requested co-accused Rajpal, who agreed to send money to the petitioner, but with a condition that Bagga Jeweller of Nilokheri had to be killed. Rajpal co-accused even agreed to give Rs.4 lacs to the petitioner and also promised to provide weapons. As per said promise, weapons i.e. one pistol, two magazines having five live cartridges each, another loaded country made pistol .315 bore with four live cartridges were provided by one person at the instance of co-accused Rajpal. Naresh (petitioner) contacted his friend Ankit to kill Bagga Jeweller, who agreed. To execute the plan, the petitioner had gone in car bearing Reg.No.HR-40E-6711. After 15 minutes co-accused Ankit came there on a motorcycle. The petitioner locked his car and went with co-accused Ankit on his motorcycle. The petitioner had given pistol and two magazines to co-accused Ankit and the petitioner kept one loaded pistol and three cartridges. The motorcycle was driven by the petitioner,

Rajpal was constantly on touch through whatsapp call. On seeing the deceased near Gol Market on a scooty, the petitioner waylaid him by stopping his motorcycle in front of scooty. Co-accused Ankit fired shots. The petitioner along with Ankit fled away from the spot. All this time, co-accused Rajpal was giving directions to the petitioner and other co-accused where to go. Naresh – petitioner had gone in his car to Jundla, while co-accused Ankit had gone to Karnal on his motorcycle. They hid the weapons and mobile phones used in the crime. Co-accused Amit Bangar provided shelter to the petitioner.

Ld. counsel for the petitioner has argued that the petitioner was not named in the FIR; no Test Identification Parade was conducted at the time of arrest of the petitioner; even as per the prosecution version, the petitioner did not play an active role in the crime as he was only driving the motorcycle; the alleged eye witness Anuradha Bagga (PW4) and other witnesses Pooja Bagga (P5) and Ashok Kumar (PW6), wife, sister-in-law and brother-in-law of the deceased have not supported the prosecution case. He also stressed that the petitioner is behind bars since 23.10.2018.

Opposing the prayer for bail, Ld. State counsel has argued that there are total 25 witnesses in the case and merely the fact that three have been declared hostile, does not falsify the case of the prosecution. The petitioner is the main accused of the organised crime, who was acting on the command of his co-accused Rajpal @ Raj, who is in America and has not been arrested so far. Co-accused Ankit has already been declared proclaimed offender. The murder was committed in broad-day light in the busy market of the City and release of the petitioner may cause apprehension in the minds

CD of the complete whatsapp conversation between the petitioner and co-accused Rajpal @ Raj was prepared and taken into possession by the Police. This includes the conversation regarding providing of illegal weapon, parking of car, position of the deceased and the timings of his shop, to complete the work by firing upon him and then going to Indri and Ladwa.

The case is based on circumstantial evidence. There is enough material on record in the form of detailed whatsapp conversation between the petitioner and co-accused Rajpal @ Raj, both before and after the commission of the crime, which implicates the petitioner. Thus, merely because the private witnesses have been declared hostile, cannot be a ground to grant bail to the petitioner.

Considering the totality of above facts and circumstances, this petition deserves dismissal. Ordered accordingly.

Nothing expressed hereinabove shall be construed as an opinion on the merits of the matter.

April 08, 2022

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(HARINDER SINGH SIDHU)
JUDGE

Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No