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

**CRM-M No.41926 of 2024
Date of Decision: 12.05.2025**

Shubham

..... Petitioner

Versus

State of U.T., Chandigarh

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Zubin Chhura, Advocate
for the petitioner.

Mr. Manish Bansal, PP, U.T., Chandigarh and
Ms. Diksha Sharma, Advocate assisted by
SI Sher Singh.

RAJESH BHARDWAJ, J. (ORAL)

1. Present petition has been filed praying for the grant of regular bail to the petitioner in case bearing FIR No.247, dated 28.09.2019 (Annexure P-1), under Sections 302, 307, 120-B, 34 of IPC and Sections 25, 27, 54, 59 of Arms Act, 1959, registered at Police Station South Sector-34, Chandigarh.

2. Succinctly the facts of the case are that FIR in the present case was registered on the statement of complainant, namely, Parveen Kumar. It was alleged that on 28.09.2019, his brother, namely, Rajveer @ Sonu Shah (deceased) has opened his office at about 09:30 A.M. Joginder @ Pehalwan and Romoy came to meet his brother, Rajveer @ Sonu Shah. Thereafter the complainant also came to the office of his brother at



about 12:30 P.M. he found his brother, Rajveer @ Sonu Shah (deceased), Joginder @ Pehalwan and Romoy were sitting together and he stood outside the office. In the meantime, a boy entered the office and starting talking to his brother, Rajveer @ Sonu Shah. Thereafter the boys, who were holding the pistols, started firing towards his brother Rajveer @ Sonu Shah, as soon as they entered the office, then the boy, who initially entered the office, took out his pistol and exhorted to kill, Rajveer @ Sonu Shah and thereafter, all three boys started firing. They fired shots on the head and other body parts of Rajveer @ Sonu Shah. The second boy fired at Joginder @ Pehalwan and third boy fired at Romoy continuously with intention to kill all three of them. On raising alarm by the complainant, the people started gathering and on seeing them, all the three assailants escaped from the scene of occurrence along with their respective weapons. The complainant deposed that he can identify all the three assailants, if they were brought before him. He further deposed that few days ago, his brother, Rajveer @ Sonu Shah had told him that he had heated arguments with one Sampat Nehra, who is suspected to be associated with Lawrence Bishnoi group. Thereafter the police also reached the place of occurrence and with the help of the police, all the three injured were shifted to GMCH-32, Chandigarh, where the Doctors declared his brother, Rajveer @ Sonu Shah dead. Joginder @ Pehalwan and Romoy were admitted for treatment. The request was made to take the legal action against all the accused. On registration of the FIR, the investigation commenced. During the investigation, complicity of the petitioner surfaced and thus he was arrayed as an accused in the present case. The petitioner was arrested on 04.11.2019. The petitioner



approached the Court of learned Additional Sessions Judge, Chandigarh praying for the grant of bail. However, after hearing both the sides and finding no merit in the same, the learned Additional Sessions Judge, Chandigarh declined the petition filed by the petitioner vide order dated 12.03.2024. Hence being aggrieved, the petitioner is before this Court by way of filing the present petition praying for the grant of regular bail.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in the present case. He has submitted that the petitioner has been implicated in the present case on the allegation that during the investigation, a car and 02 pistols were recovered from the petitioner, however the recovery has been falsely planted upon the petitioner. He has submitted that the petitioner was not even present at the time of occurrence. He has submitted that co-accused, Dharminder Singh has already been granted bail by this Court vide order dated 13.07.2023 passed in CRM-M No.768 of 2023 and the case of petitioner is on better footing than that of the co-accused, Dharminder Singh. He has submitted that the petitioner is behind bars from last more than 05 years but till date the prosecution has not been able to conclude the trial and thus his fundamental right of speedy trial has been defeated. He has thus submitted that keeping in view the long custody of the petitioner and the attending circumstances, the petitioner deserves to be granted bail.

4. *Per contra*, learned counsel for the State has vehemently opposed the submissions made by counsel for the petitioner. He has drawn the attention of this Court to the status report filed by way of an affidavit of Jasbir Singh, DSP Crime, UT, Chandigarh on behalf of the



respondent-State. He has submitted that the petitioner is a habitual offender, who in connivance with the co-accused has committed a day light murder. He has submitted that the petitioner along with the co-accused had entered the shop of the complainant's brother and caused the murder of Rajveer @ Sonu Shah. He has submitted that during the investigation, statement of Chandan Kumar Shrivastva, owner of Hotel King Palace, was recorded under Section 164 Cr.P.C., who deposed that he received a call from one Dharminder, who asked him to keep one room for his guests in his hotel. Thus he had given a room of those three persons on asking of Dharminder. Thereafter the statement of one Vipin, who was Manager at New DK Palace Hotel owned by co-accused, Dharminder, was recorded under Section 164 Cr.P.C., where he deposed that co-accused, Dharminder Singh had proximity with gangsters Lawrence Bishnoi, Kali Rajput and Raju Bashodi and also had arranged a room in hotel King Palace for 4-5 persons, who murdered Rajveer @ Sonu Shah. Thereafter, the custody of Dharminder Singh was taken on production warrant as he was already behind bars in another FIR and was formally arrested on 07.10.2019. He disclosed about doing the 'reki' of deceased, Rajveer @ Sonu Shah on asking of Lawrence Bishnoi and Raju Bashodi. He also made disclosure that he made the arrangement for staying of petitioner, namely, Shubham @ Bigi, manjit and one more boy in Hotel King Palace, Mohali. Thus the present petitioner was arrested on 04.11.2019. On the arrest of the petitioner, namely, Shubham, during the investigation, he made disclosure and in pursuance to his disclosure statement, the vehicle bearing No.PB-01-8630 used in the crime was recovered on 03.11.2019 and from the dashboard of the vehicle, .32 bore



pistol, one country made pistol and 4 live cartridges were also recovered. He made disclosure to the effect that he met Lawrence Bishnoi in Patiala Jail and he used to work for him. On 28.09.2019, the petitioner along with co-accused, Rajan and Rahul Chaudhary, i.e. Manjit murdered Rajveer @ Sonu Shah in his office.

5. Learned State counsel has further contended that though the co-accused, Dharminder Singh was granted bail by this Court, however after having been granted bail, he absconded but later on with the intervention of this Court, the Investigating Agencies re-arrested him on 26.03.2025. He has submitted that out of 34, 17 prosecution witnesses have been examined. He has placed on record custody certificate of the petitioner. He has further submitted that keeping in view the antecedents of the petitioner and gravity of the offence, simply on the basis of his long incarceration, the petitioner does not deserves the concession of bail and thus the present petition, being devoid of merit, deserves to be dismissed.

6. Heard.

7. On hearing learned counsel for the parties and perusing the record, it is inferred that the petitioner along with co-accused had carried out a day light murder of brother of the complainant. From the record produced by the learned State counsel, it is inferred that the petitioner is allegedly one of the assailants, who had murdered Rajveer @ Sonu Shah. Antecedents of the petitioner are evident from the custody certificate produced by the learned State counsel, which reveals that he is facing prosecution in at least 16 other cases. One of the accused, namely, Dharminder Singh has already been granted bail by this Court vide order



dated 13.07.2023 passed in CRM-M-768-2023 but he absconded thereafter. However this Court vide order dated 19.03.2025, directed the respondent-State to file the status report regarding the efforts made in arresting the co-accused, Dharminder Singh. It was informed to this Court that absconded accused, Dharminder Singh has been arrested on 26.03.2025. The vehicle and the weapons used in the commission of offence have been allegedly recovered from the petitioner during the investigation.

8. Keeping in view the over all facts and circumstances, this Court is of the opinion that enlarging the petitioner on bail would adversely affect the ongoing trial and thus, the present petition being devoid of any merit is hereby dismissed. However the Court cannot ignore the custody period of the petitioner, which is more than 05 years, as per the custody certificate produced by the State. Hence the learned trial Court concerned is requested to expedite the trial and conclude the same in accordance with law preferably within a period of six months from the date of receipt of copy of order. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

12.05.2025
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(RAJESH BHARDWAJ)
JUDGE

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