

**IN THE COURT OF SHRI MOHIT BANSAL, PCS,
ADDL. CHIEF JUDICIAL MAGISTRATE, SAS NAGAR
(MOHALI).**

CIS No. CHI/112/2019

CNR No. PBSA03-001041-2019

IPC Challan No: 23 of 2019

Date of Institution : 18.01.2019

Date of Order: 12.06.2019

Committed for: 15.06.2019

State

Versus

Sampat Nehra son of Ram Chander, resident of village Kalori, Police Station Rajgarh, District Churu, Rajasthan, at present Govt. Quarters, Police Line, Sector 26, Chandigarh.

... Accused

FIR No. 77 of 07.09.2017

Under Sections: 302, 148, 149, 473, 120-B IPC & Section 25/54/59 of Arms Act.

Police Station: Banur

Present: Sh. Bharpur Singh, Ld. APP for the State.

Accused Sampat Nehra in custody (produced by the jail authorities).

ORDER

1. The accused, Sampat Nehra, has been forwarded by the SHO, Police Station Banur to face the trial for offence under Sections 302, 148, 149, 473, 120-B IPC & Section 25/54/59 of Arms Act.
2. Briefly stated, the case of the prosecution, as per the challan is

that on 7.9.2017, Inspector Gurpreet Singh, Officer-in-Charge, Police Station Banur along with other police officials, on Govt. vehicle bearing no. PB-11-AY-4974, in connection with patrolling and search of bad elements, was present at Banur barrier, then MHC Police Station informed that Daljit Singh son of Rajinder Singh, resident of H. No. 38, Ward No.4, Banur, has been brought dead due to fire-arm injuries, in IVY Hospital, Sector 71, Mohali.

3. Upon this, Inspector Gurpreet Singh alongwith other police officials reached at Emergency Ward, IVY Hospital, Mohali, where complainant Lovejot Singh son of Manjit Singh, resident of H. No. 38, Mohalla Ahluwalia, Banur met, who got recorded his statement Inspector Gurpreet Singh. The statement of complainant Lovejot Singh was to the effect that:-

“I am resident of above address. I am doing B. Comm from Chitkara University. On 6.9.2017 at about 9.30 PM, as usual, my uncle Daljit Singh @ Pinchi son of Rajinder Singh, resident of Banur, had gone for a walk on Banur-Rajo Majra Road. Then on asking of my aunt, I went on my motorcycle for calling back my uncle. When I reached near the house of Bajigars after crossing the bridge (pulli), I saw that one white colour Endeavor car bearing no. CH-01-AH-5233 was already parked there. When my uncle reached near the said vehicle from Rajo Majra side, then in front of me, Amrit and Simrat sons of Gurnam Singh, residents of Ward No.8, Banur, Deepu Khatik, resident of Ward No.3, Banur, came out of the car. They were

having revolvers in their hands and while abusing, they started firing on my uncle. Alongwith them, other 3-4 unknown persons were also present, to whom I do not know, but can identify if they come in front of me. At that time, Gurkirat son of Baldev Singh, resident of Ward No.8, Banur was also sitting on the driver seat of the vehicle. When my uncle tried to flee towards the fields, they opened fire on my uncle and told that “Nimme ate Sukhe Bai Naal Jo Panga lavega usda eh hi hasar karange”. Due to fear, I was sitting on one side in order to prevent myself from being seen by the accused. After the occurrence, the above said persons fled from the spot along with their weapons in the car towards Rajo Majra side. I, after informing my family members, took my uncle to IVY Hospital, Mohali, where the doctor declared my uncle dead. When my uncle tried to flee towards the fields, they opened fire on my uncle and told that “Nimme ate Sukh Bai Naal Jo Panga lavega usda eh hi hasar karange”. Due to fear, I was sitting on one side in order to prevent myself from being seen by the accused. After the occurrence, the above said persons fled from the spot along with their weapons in the car towards Rajo Majra side. I, after informing my family members, took my uncle to IVY Hospital, Mohali, where the doctor declared my uncle dead. The motive behind the occurrence was enmity between my uncle and Nirmaljit Singh and on previous occasions also, there

had been altercations between them. My aunt is presently as M.C. and all the other members had agreed to elect my aunt as the President in place of Nirmaljit Singh. Nimma had grudge due to the same. Due to this reason Nirmaljit Singh Nimma and Sukhjit Singh sons of Beant Singh hatched a conspiracy and the above said persons murdered my uncle by firing. Action be taken.”

4. The statement was read over and after admitting the same to be correct, Lovejot Singh signed in English. Inspector Gurpreet Singh made endorsement. From the statement, offence under Sections 302, 120 IPC & Section 25/54/59 of Arms Act, was found to be made out. FIR was lodged.

5. Investigation was carried out. Accused Gurkirat Singh son of Baldev Singh, resident of Banur was arrested by Inspector Gurpreet Singh and challan against said accused was present in the Court on 4.12.2017. Accused Deepak Kataria @ Deepu Katik was arrested in the present case, after taking permission from the Court and on the basis of his interrogation, Deepak Tinu son of Anil Kumar, resident of near Hanuman Mandir Teliwara, Jain Chowk Bhiwani, Distt. Bhiwani, Haryana, Sampat Nehra son of Ram Chander, resident of Police Quarters, Sector 26, Chandigarh, Ankit Bhadu, resident of Sherawali (Rajasthan) were nominated as accused in the present case.

6. Thereafter, accused Deepak Tinu son of Anil Kumar, resident of near Hanuman Mandir Teliwara, Jain Chowk Bhiwani, Distt. Bhiwani, Haryana, was arrested, after taking permission from the Court on 29.1.2018.

Thereafter, accused Nirmaljit Singh @ Nimma son of Beant Singh, resident of Mohalla Jattan Wala, Banur had surrendered in the Court on 12.2.2018, who was arrested in the present case, after taking permission from the Court. Supplementary challan against accused Deepak Pundir, Deepak Tinu and Nirmaljit Singh, has already been presented.

7. Accused Simratpal Singh son of Gurnam Singh, resident of Ward No.8 Banur, Amritpal Singh son of Gurnam Singh, resident of Ward No.8 Banur, Sukhjit Singh @ Sukh son of Beant Singh, resident of Ward No.8 Banur and Sampat Nehra son of Ram Chander, resident of village Kalori, P.S. Rajgarh, Distt. Churu were declared PO. The PO proceeding are pending against accused Ankit Bhadu son of Shiv Parkash, resident of Sheranwala, P.S. Bahawalpur, Distt. Fazilka.

8. Accused Sukhjit Singh @ Sukha son of Beant Singh, resident of Ward No.8 Banur had surrendered before the Court on 2.5.2018, who was arrested and challan against him was presented.

9. Accused Sampat Nehra son of Ram Chander, resident of village Kalori was in custody in Central Jail, Patiala in another case, who was arrested in the present case, after taking permission from the Court. His police remand was obtained. During inquiry, accused Sampat Nehra made a disclosure statement regarding the pistol star 30 bore used by him in the occurrence and revolver 38 bore, which was used by accused Deepak @ Tinu, which have been recovered in case FIR No.231 dated 17.6.2017, under Sections 332, 353, 307, 224, 225, 120-B, 34 IPC and Section 25/54/59 Arms Act, P.S. Sector 5, Panchkula.

10. The arms are lying in Malkhana Judicial, Panchkula, qua which permission was obtained from the Court of Sh. Viren Kadiyan, Ld. JMJC, Panchkula, who ordered the same to be handed over to the IO.

11. Thereupon, on 15.1.2019, ASI Mohan Singh obtained a parcel containing one pistol 30 bore along with 4 live cartridges and another parcel containing one revolver 38 bore along with 4 live cartridges from Incharge, Malkhana Judicial, Panchkula and got deposited with Satpal Singh MHC, P.S. Banur. Statements under Section 161 Cr.P.C. were recorded.

12. After completion of investigation, challan against accused Sampat Nehra was presented.

13. The remaining accused shall be arrested and after obtaining permission from the District Magistrate qua Arms Act, separate challan shall be presented.

14. Upon presentation of challan, copies of challan, statement of witnesses and documents relied upon the copies were supplied to the accused free of costs as required under Section 207 Cr.P.C.

15. From perusal of the challan, statements of witnesses and documents attached with the challan, it appears that offence under Section 302 IPC inter-alia other offences, is shown to have been committed. The offence under Section 302 IPC is triable exclusively by the Court of Sessions. Therefore, this case is committed to the Court of Sessions for its disposal, in accordance with law.

16. Accused Sampat Nehra, who is in custody, is directed to be produced before the Court of Ld. Sessions Judge, SAS Nagar, on 15.06.2019

at 10.00 A.M. sharp. Learned APP for the State be notified in this regard.
Ahlmad is directed to send the file complete in all respect to the leaned
Court of Sessions Judge, SAS Nagar (Mohali), well before the date fixed.

Pronounced in open Court.
Dated: 12.06.2019

Tajinder Singh

(MOHIT BANSAL)
UID No. PB0208
Addl. Chief Judicial Magistrate
SAS Nagar (Mohali)