

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-23199 of 2017 (O&M)

Date of Decision: 24.07.2017

Dharmender @ Dhamli

... Petitioner

VERSUS

State of Haryana

... Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. D.S. Bali, Sr. Advocate with
Mr. Rahul Sharma, Advocate
for the petitioner.

SURINDER GUPTA, J.

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.414 dated 23.10.2016 registered for the offences punishable under Sections 323, 325, 326, 307, 427, 34 IPC, at Police Station Tosham District Bhiwani.

Heard.

Notice of motion.

On asking of the court, Mr. A.K. Chahal, D.A.G. Haryana, who is present in the Court accepts notice and submits that intimation by Registry informing of fixation of the petition has already been received and record of the case is available with him.

As per allegations of the prosecution, the petitioner along with his co-accused Sandeep alias Ghotia was sitting in front of a liquor shop where complainant-Sandeep, Naveen @ Kafe and Navdeep were also consuming liquor. A scuffle ensued and the petitioner and Sandeep @

Ghotia drove XYLO vehicle and hit the motor cycle of complainant.

Learned counsel for the petitioner submits that co-accused Sandeep @ Ghotia has already been allowed regular bail vide order dated 2.6.2017 passed in CRM-M-8150 of 2017. The role of petitioner is alleged to be the similar to that of Sandeep @ Ghotia as such he be also allowed regular bail.

Learned State counsel submits that petitioner Dharmender @ Dhamli was involved in 9 other cases during the period from 2005 to 2014. He was arrested on 12.11.2016 and after completion of investigation challan has been presented in the Court.

Keeping in view the fact that co-accused Sandeep @ Ghotia has already been allowed the benefit of bail, the present petition is allowed. Petitioner Dharmender @ Dhamli is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- a. The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- b. In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.
- c. He shall not leave the country without the prior permission of the Court.

July 24, 2017
deepak

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*