

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

CRM-M No.4625 of 2017

Date of decision: 28th August, 2017

Dharmender @ Dharmi

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. R.S. Rai, Senior Advocate with
Mr. Deepinder Brar, Advocate for the petitioner.

Mr. Munish Sharma, Asstt. Advocate General, Haryana
for the respondent/State.

Mr. N.S. Shekhawat, Advocate for the complainant.

FATEH DEEP SINGH, J.

This order shall dispose off regular bail application under Section 439 Cr.P.C. of petitioner Dharmender @ Dharmi in case bearing FIR No.321 dated 18.07.2016 under Sections 302/323/307/506/120B IPC and Section 25/54/59 of the Arms Act pertaining to Police Station Badshahpur, District Gurgaon.

The brief allegations of the prosecution are that on 18.07.2016 accused petitioner Dharmender @ Dharmi along with his family members consisting of brother Raj Kumar, nephews Rahul, Arun and accomplice accused non-applicants namely Parveen, Sukhbir, Jai Pal, Paramveer, Ashok, Monu and Rohit, who had an altercation with Parveen

earlier in the day, in order to take vengeance came in vehicles armed with fire-arms etc. It is alleged that Rahul fired bullet hitting Sukha, Arun fired a shot hitting Sukha on the chest, Raj Kumar fired from his weapon hitting head of Sukha, Rohit fired a shot hitting upon waist of complainant Jitender, leading to death of Sukha.

Contentions of learned counsel for the petitioner are that the petitioner is behind bars since 28.07.2016 and that subsequently prosecution has raked up that the petitioner had given fist blows, which is self-contradictory, and thus, no specific attribution is made to the petitioner in death of the deceased.

The bail application has been opposed by learned State counsel contending that the petitioner along with other accused have been named in the FIR and has been attributed specific role. Three shots have hit the victim side and in view of the seriousness of allegations and heinousness of the offence has prayed for dismissal of the application.

Going through the arguments of the prosecution as well as the petitioner, in the light of what has come up in the records, spells out specific role to each of the accused in commission of crime leading to death of one person and injuries to others and which all are by means of fire-arms. Mere period of incarceration is no justifiable and reasonable ground for allowing relief to the petitioner. The apprehension of the State

that petitioner side is intimidating the witnesses and will not allow fair trial if allowed bail, certainly is not unfounded. Keeping in view seriousness of allegations and heinousness of the offence, to ensure due administration of justice and fair trial necessitates dismissal of this bail application. There being no merit, the petition stands dismissed.

Records be sent back immediately.

(FATEH DEEP SINGH)
JUDGE

August 28, 2017
rps

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