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

**CRM-M No.28292 of 2017  
Date of Decision: 09.02.2018**

**DHARAMBIR**

**.....Petitioner**

**Vs**

**STATE OF HARYANA**

**.....Respondent**

**CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH***

Present: Mr. Sanjeev Kodan, Advocate  
for the petitioner.

Ms. Neelam Kashyap, D.A.G., Haryana.

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**RAJ MOHAN SINGH, J.(Oral)**

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.523 dated 07.08.2015, registered under Sections 148, 149, 302 & 307 IPC and under Section 25 of the Arms Act at Police Station Sadar Bahadurgarh, District Jhajjar.

Prosecution story started with the allegations that the complainant Rakesh Kumar and his brothers namely Ramesh, Krishan, Suresh and nephew Sumit were repairing pipeline in their fields. At about 4.00 p.m., Ram Parsad, Sombir, Bijender, and Narender sons of Ram Parsad, Ajay son of Sombir,

Dharambir son of Bijender, and Anita wife of Sombir came there duly armed with *lathis* and *jelies*. Sombir was armed with the licensed gun. They started abusing and fighting with the complainant-party. Ajay inflicted *lathi* blow on the right elbow of Sumit. Sombir fired from his gun, hitting Ramesh in his chest. He also fired upon Krishan, which hit on his right shoulder. Ramesh ultimately died due to gun shot injury.

Learned counsel for the petitioner submitted that no injury has been attributed to the petitioner except his role of being a member of unlawful assembly. Co-accused Ajay, to whom *lathi* blow was attributed on the person of Sumit has already been granted regular bail by this Court in CRM-M No.43867 of 2017 on 08.01.2018.

Statement of the aforesaid fact has not been disputed by learned State counsel on instructions from SI Balraj. However, she submitted that out of total 26 prosecution witnesses, 18 have been examined and now the case before the trial Court is fixed for 19.02.2018 for remaining prosecution evidence.

Taking into consideration the totality of facts and circumstances, without adverting to the merits of the case at this stage, I am of the view that petitioner, who is in custody since 08.08.2015 can be enlarged on bail.

In view of above, petition is allowed. Petitioner is ordered to be enlarged on bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

February 09, 2018  
*Atik*

**(RAJ MOHAN SINGH)**  
**JUDGE**

|                           |        |
|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |