

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.21247 of 2020
Date of Decision: July 31, 2020

Sonu @ Dhakad

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Ram Darshan Yadav, Advocate,
for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

MANOJ BAJAJ, J.

By means of this petition under Section 482 Cr.P.C., petitioner has prayed for grant of pre-arrest bail in case FIR No.163 dated 25.05.2019, under Sections 148, 149, 307, 302 IPC and Section 25 of Arms Act, 1959, registered at Police Station, City Rewari, District Rewari. The petitioner apprehends his arrest at the hands of police in the above-mentioned FIR.

The FIR in the present case was registered on the statement of complainant Mahesh, who stated that he was running a liquor shop at Naiwali Chowk and his colleagues Ajit and Dinesh had taken his vehicle for some work. At around 9:00 pm, Titu Thakur, T.P. Scheme, Sunil Jalalpur and Anil came to the house of the complainant and informed that the persons, who had taken your vehicle had entered into a fight in front of Sati Colony and had caused injuries to Hanuman and Ombir Asalwas. The

complainant telephonically talked to Ajit and Dinesh and came to know that Dinesh, Ajit, Liyon, Manish had caused injuries to Ombir and Hanuman. The complainant initiated negotiations for a compromise and the talks were going on, then at around 10:30-11:00 pm, vehicle bearing No. HR81-1114 or 1411, wherein Dharampal Sarpanch, Dhammal and 5-7 other young boys armed with country made pistols and arms, were sitting and it stopped near them. According to the complainant, in order to take revenge, Dharampal Sarpanch, who was armed with country made pistol fired a shot at him and Dhammal fired a shot upon Aditya. It was further narrated that Dharampal and his companions had caused injuries upon Aditya and thereafter, they fled away from the place of occurrence and in the said occurrence, Aditya died. On these broad allegations, the present FIR was registered.

Learned counsel for the petitioner contends that the name of the petitioner is not mentioned in the FIR and he has been arraigned as an accused on the basis of the statement suffered by co-accused Sukhbir @ Rajinder. He submits that similarly situated to-accused, namely, Dharambir has already been released on regular bail vide order dated 04.02.2020 (Annexure P-5) passed by this Court. It is pointed out that on the statement of injured Hanuman (brother of the petitioner), a cross case bearing FIR No.176 dated 07.06.2019, under Sections 148, 149, 341, 323, 325, 506, 307, 379-B, 120 IPC and Section 25 Arms Act, Police Station, City Rewari was also registered against the complainant and others. He has further invited the attention of the Court to the order dated 18.06.2020 (Annexure P-7), whereby co-accused Dharampal has been granted the concession of interim pre-arrest bail by this Court. He contends that in the given facts, the custodial interrogation of the petitioner may not be necessary, therefore,

petitioner deserves the concession of anticipatory bail.

On the other hand, the prayer is opposed by the learned State counsel on the ground that the petitioner was not only armed with fire arm weapon, but used the same also in the occurrence. He submits that the petitioner is nephew of Dharampal Sarpanch, who arrived at the place of occurrence along with others in his vehicle and fired gun shots along with other co-accused persons. He submits that in the said occurrence, victim Aditya lost his life and, therefore, in these circumstances, the custodial interrogation of the petitioner would be necessary.

After hearing the learned counsel for the parties and considering the background of this case, this Court does not find it to be a fit case for extending the extraordinary concession of pre-arrest bail to the petitioner, who was allegedly not only armed with the fire arm weapon but also fired the gun shots. According to the prosecution, the petitioner was driving the scorpio vehicle and brought other accused persons with him to the place of occurrence. Therefore, keeping in view the seriousness of the offence, the prayer is declined, as the custodial interrogation of the petitioner may be necessary to effect the recoveries and evidence.

Resultantly, the petition fails and is dismissed.

However, it is made clear that the above order be not construed as an expression of opinion on the merits of the case.

July 31, 2020
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No