

208-a IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

1.

CRM-M-702-2021

Date of decision : April 01, 2021

Pawan

.....Petitioner

Versus

State of Haryana

....Respondent

2.

CRM-M-4185-2021

Dharmender

.....Petitioner

Versus

State of Haryana

....Respondent

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. SumitSangwan, Advocate for the petitioner (CRM-M-702-2021)

Mr. Sushil Sheoran, Advocate
for the petitioner (in CRM-M-4185-2021)

Mr.Sanjay Mittal, Addl.AG, Haryana.

LISA GILL, J.

This matter is being taken up for hearing through video conferencing due to outbreak of the pandemic, COVID-19.

This order shall dispose of two petitions i.e. CRM-M-702-2021 and CRM-M-4185-2021 as they arise out of the same FIR.

Petitioners pray for bail pending trial in FIR No. 171 dated 28.12.2019 under Sections 186, 279, 307, 336, 353, 427 IPC and Sections 25-54 of Arms Act registered at Police Station Bond Kalan, District Charkhi Dadri.

As per abovesaid FIR registered on the statement of ASI Kishan Kumar, a Santro car with 4/5 young boys on 28.12.2019 at about 11.15 p.m. came on high speed towards Dadri side and when police officials gestured the vehicle to stop, car driver namely Sultan @ Sahil tried to run over the employees. Head Constable Sandeep tried to put barricades in front of Santro car but the boy sitting

on the front passenger seat namely Sonu son of Satbir fired at police party with an intention to kill. They managed to flee in their car. Information of the fleeing car was conveyed by the complainant to Inspector EASI Wazir Singh, who was on duty at the next barricade. The car in question alongwith occupants therein was apprehended at the next barricade. It is stated that Pawan (petitioner in CRM-M-702-2021) alongwith Sultan @ Sahil managed to flee from the spot. Co-accused Sonu son of Satbir (non-applicant) and Dharmender son of Sanjay (petitioner in CRM-M-4185-2021) were apprehended at the spot. Sahil @ Sultan was afforded the concession of bail pending trial by the learned trial court on 26.10.2020.

Learned counsel for the petitioner submits that Pawan (petitioner in CRM-M-702-2021) is similarly situated as the co-accused Sahil @ Sultan, who has been afforded the concession of bail on 26.10.2020. It is further submitted that there is nothing on record to connect the present petitioner with the alleged crime except disclosure statement of the co-accused. It is contended that prosecution is also relying upon recovery of one shoe, which is curiously stated to belong to the petitioner – Pawan. Learned counsel argues that though the petitioner is involved in nine (09) other similar cases, he stands acquitted in five (05) of them. Remaining cases pertain to bailable offences and he is on bail in all the said cases. It is stated that co-accused Sahil @ Sultan was also involved in three other matters and petitioner – Pawan is in custody since 08.01.2020 and he is not attributed with any active role.

Learned counsel for the petitioner – Dharmender (CRM-M-4185-2021) argues that though the said petitioner is stated to have been arrested at the spot, he is not attributed with any active role in the alleged incident. Said petitioner it is stated is only alleged to be travelling on the rear seat of the Santro car and recovery of one live cartridge has been shown from the petitioner. Petitioner –

Dharmender it is further submitted, is not involved in any other criminal case and he has been in custody since 28.12.2019.

Learned counsel for the State has opposed the said bail applications while submitting that specific allegations are levelled against the petitioners, who do not deserve the concession of bail. Learned counsel for the State is, however, unable to deny that petitioner – Pawan was not arrested at the spot though it is stated that one of his shoes was recovered from the spot and he was instrumental in procurement of arms/weapon used by the co-accused in the incident. Learned counsel for the State at this stage is unable to point out any evidence on record to this effect. It is further not disputed that co-accused Sahil @ Sultan, who was also involved in some other criminal cases, was afforded the concession of bail by the learned Additional Sessions Judge, Charkhi Dadri on 26.10.2020.

In respect to petitioner – Dharmender, learned counsel for the State on instructions from ASI Radhey Sham, affirms and verifies that he is not involved in any other criminal case and is further unable to deny that no overt act has been attributed to both the said petitioners, Dharmender and Pawan who have been in custody since 28.12.2019 and 08.01.2020 respectively. Complainant in this case is informed to have been examined during the pendency of these petitions.

There are no allegations on behalf of the State that petitioners are likely to abscond or that they are likely to dissuade the witnesses from deposing true facts in the Court, if released on bail. Trial is not likely to conclude in the near future.

No useful purpose shall be served by keeping the petitioners incarcerated any longer. Keeping in view the facts and circumstances noted above but without expressing any opinion on the merits of case, it is considered just and expedient to allow these petitions.

Consequently, petitioners, Pawan and Dharmender be released on bail pending trial subject to their furnishing requisite bail bonds and surety to the satisfaction of the learned trial Court

It is reiterated that none of the observations made herein above are a reflection on the merits of the case and shall have no bearing on the trial.

April 01, 2021
rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No