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

**CRM-M-39019-2021
Date of Decision: 04.10.2021**

Dharmender @ Dhammal

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Jaivir Yadav, Senior Advocate assisted by
Mr. Tarun Yadav, Advocate,
for the petitioner.

Mr. Bhupender Singh, DAG, Haryana.

SUDIP AHLUWALIA, J. (ORAL)

This is the second petition for regular bail filed on behalf of the petitioner under Section 439 Cr.P.C. in case FIR No.163 dated 25.05.2019, under Sections 148, 149, 302, 307 of the IPC and Section 25 of the Arms Act, registered at Police Station Rewari City, District Rewari.

[2]. The petitioner has remained in detention in the present case, since 02.06.2019.

[3]. Ld. Counsel for the petitioner has highlighted that although there is an allegation of the petitioner having shot the deceased Aditya from the pistol, which was allegedly handed over to him by one Baba Aditya Nath, still according to the PMR (Annexure P-4), death of the victim on account of the head injury, shock and hemorrhage.

[4]. This Court has carefully gone through the Remarks of the concerned Medical Officer, which are on Page 37 of the Paper-book. It has been mentioned therein that apart from the Head Injury, the shock and

Hemorrhage were produced by projectile of firearm (antemortem injury) and also by multiple injuries present at multiple places on the body of the deceased produced by blunt force impact.

[5]. In this view of the matter, it cannot be said that the petitioner had no role at all to play in causing the death of the victim. In any case, he was one of the several members constituting the unlawful assembly which attacked the victim.

[6]. Considering the gravity of the offence involved, the petitioner would not appear to be entitled to be released at this stage.

[7]. Dismissed.

04.10.2021

Bhumika

**(SUDIP AHLUWALIA)
JUDGE**

1. Whether speaking/reasoned: Yes/No

2. Whether reportable: Yes/No