

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

**CRM-788-2021 in/and
CRM-M-37556-2019 (O&M)
Date of Decision: 19.01.2021**

Dhara Singh @ Dhare

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. R.A.Sheoran, Advocate, for the applicant-petitioner.

Mr. Ramesh K. Ambavta, AAG, Haryana,
assisted by ASI Satbir Singh.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

CRM-788-2021

For the reasons mentioned in the application, the same is allowed and the documents Annexure P-12 to P-18 are taken on record.

CRM-M-37556-2019

1. The petitioner seeks grant of regular in respect of a case registered vide FIR No.234 dated 22.05.2017 at Police Station Sadar Dadri, District Bhiwani, under Sections 120-B, 302, 34 IPC and Section 25 of the Arms Act.
2. The FIR in question was lodged at the instance of Rajender, wherein it is alleged that his nephew Jitender @ Sukra (deceased) was a witness in a murder case. It is alleged that Sarpanch Lokram, former Sarpanch Jitender, Ved Pal, Maninder @ Peddy, Sukhpal, Bala and Jassu's wife had been proclaiming that they

would not allow Jitender to give evidence and would get him killed. It is alleged that on 22.05.2017, when he alongwith his nephew were present in their fields, then Maninder @ Peddy, the present Sarpanch Kalu @ Lokram accompanied by two more persons came there. It is alleged that Maninder and Kalu said that Jitender be shot and be killed, upon which, Maninder @ Peddy, Kalu @ Lokram and two others fired at Jitender and thereafter fled away from the spot alongwith their weapons. It is the case of the prosecution that the complainant's nephew Jitender died on account of fire arm injuries received by him.

3. Learned counsel for the petitioner has submitted that he is nowhere named in the FIR and has been nominated as an accused on the basis of supplementary statement of the complainant and other witnesses. Learned counsel has submitted that in any case the complainant has since expired and the other material witnesses i.e. PW-1 Rajesh, PW-2 Umed Singh, PW-3 Satbir Singh and PW-4 Indrawati, have since resiled from their statements and, as such, the petitioner deserves the concession of bail.
4. Opposing the petition, learned State counsel has submitted that the name of the petitioner also figures in the disclosure statement made by co-accused Kuldeep @ Lambu and since the petitioner is a habitual offender having been involved in 10 other cases of serious crime, no case for grant of bail is made out. Learned State counsel, however, could not dispute the fact that PW-1 to PW-4 have since resiled and that the petitioner as on date has been behind bars since the last about 3 years and 6 months. It has

further been informed that as on date only 8 PWs out of cited 32 PWs have been examined.

5. I have considered rival submissions addressed before this Court.
6. Having regard to the fact that the petitioner has been behind bars since the last 3 years and 6 months and that 4 of the PWs on which the prosecution was banking i.e. PW-1 Rajesh, PW-2 Umed Singh, PW-3 Satbir Singh and PW-4 Indrawati, whose statements have also been annexed, have since resiled and that the conclusion of trial is likely to take considerable time considering the fact that as on date only 8 PWs out of 32 cited PWs have been examined, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

19.01.2021

Vimal

(GURVINDER SINGH GILL)
JUDGE

Whether speaking/reasoned: **Yes/No**
Whether reportable: **Yes/No**