

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-10312-2022
Reserved on: 01.04.2022
Pronounced on: 04.05.2022

Dharampal ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Ran Vijay Singh, Advocate for the petitioner.
Mr. Manish Bansal, DAG, Haryana.
Mr. Prashant Singh Chauhan, Advocate for the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
163	25.05.2019	City Rewari, District Rewari	148, 149, 302, 307, 201 IPC and 25 of Arms Act, 1959

1. The petitioner, incarcerated upon his arrest in the FIR captioned above, came up before this Court under Section 439 of Code of Criminal Procedure, 1973 (Cr.P.C) seeking bail.
2. In paragraph 17 of the bail petition, the accused declares that he has no criminal antecedents.
3. The petitioner along with other assailants came to the house of the complainant and fired upon the occupants. The petitioner and one of the co-accused Dhammal were wielding country made weapon. The petitioner fired upon complainant and Dhammal fired upon Aditya, who later on succumbed to the injuries.
4. Ld. Counsel for the petitioner contends that the pre-trial incarceration would cause an irreversible injustice to the petitioner and family.
5. Ld. counsel representing the State opposes bail. The contention of behalf of the complainant is that the petitioner had fired with a common intention to kill occupants of the house, and as such all the accused are jointly liable for the murder, hence not entitled to bail.

REASONING:

6. As per the status report, although deceased died due to the shot fired by Dhammal, yet, the petitioner was also having a country made pistol and he had also fired upon. Thus, to say at this stage, that he did not act in furtherance of the common object or did not share common intention would be stretching too far at the bail stage. An analysis of the allegations and evidence collected does not warrant the grant of bail to the petitioner.

7. In the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner fails to make a case for bail at this stage.

8. Any observation made hereinabove is neither an expression of opinion on the merits of the case nor shall the trial Court advert to these comments.

Petition dismissed in aforesaid terms. All pending applications, if any, stand disposed.

(ANOOP CHITKARA)
JUDGE

04.05.2022
Jyoti-II

Whether speaking/reasoned: Yes
Whether reportable: No.