

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

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CRM-M-12106-2022

Date of Decision: 29.03.2022

Dharambir @ Monu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Sushil Sheoran, Advocate,
for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana,
assisted by ASI Narinder.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against him vide FIR No.26 dated 13.12.2018 at Police Station Asaudha, District Jhajjar, under Sections 302/34 IPC and Section 25 of the Arms Act.
2. The FIR in question was lodged at the instance of Surjeet, wherein it is alleged that his brother-in-law Aman has been residing with him since the last about 6/7 months and is studying in Class X. It is alleged that Dharambir @ Monu, Karambir @ Madu, Anil, Jaibir, Prem, Narender and Kala, residents of the complainant's village, had been having an altercation with the complainant's family since the last few days. On 12.12.2018 at about 12 noon, Monu and Karambir entered into their house and raised quarrel with complainant's wife Kunti. However, complainant's brother-

in-law Aman intervened and quarreled with them. On account of said enmity, the aforesaid persons came near Dada Sita Ram Temple at about 4.00 PM, where the complainant's family was raising construction on their plot and started firing indiscriminately from their pistols. The complainant being scared hid himself behind a wall. However, his brother-in-law Aman was shot on the left side of his chest. Prem and Jaiveer are also alleged to have fired. Thereafter, all of them fled away from the spot. Although Aman was taken to hospital, but was declared dead.

3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that there is no convincing evidence to show that he had also participated in the occurrence or had fired at the deceased. Learned counsel has further submitted that in fact even as per the case of the prosecution, it is the pistol belonging to Dharampal, which has been used in the occurrence, whereas Dharampal in his disclosure statement has stated that the petitioner had taken the pistol from Dharampal. Learned counsel has submitted that it is very convenient for the co-accused, who is owner of the pistol, to raise such a plea so as to escape from his liability.
4. Opposing the petition, learned State counsel has submitted that apart from the disclosure statement of co-accused Dharampal, there is a disclosure statement of another co-accused Nitesh, who has also stated to the similar effect that the petitioner had taken

pistol from co-accused Dharampal and had fired at the deceased. Learned State counsel has further submitted that as per the report of FSL, the bullet recovered from the body of the deceased was found to have been fired from the pistol in question and as such, the complicity of the petitioner is clearly evident. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last about 3 years & 3 months and that he is not involved in any other case. It has also been informed that as on date 10 PWs out of cited 24 PWs have been examined.

5. I have considered rival submissions addressed before this Court.
6. No doubt, the bullet recovered from the body of the deceased has been found to have been fired from the pistol belonging to Dharampal, which would render it debatable as to whether it is the petitioner, who had fired at the deceased. However, in any case that will not rule out his presence at the spot. At the same time, this Court can also not lose sight of the fact that the petitioner has been behind bars for a substantial period of about 3 years & 3 months and is not stated to be involved in any other case. Conclusion of trial will consume time inasmuch as only 10 PWs out of cited 24 PWs have been examined so far. In these circumstances, without commenting anything as regards the merits of the case, this Court deems fit that the petitioner be released on bail particularly keeping in view the long custody and his clean record. 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.

29.03.2022

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(GURVINDER SINGH GILL)
JUDGE

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