

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

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**CRM-M-15713-2022(O&M)**  
Date of Decision : **July 06, 2022**

RAVI

.....Petitioner

***VERSUS***

STATE OF HARYANA

.....Respondent

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**CRM-M-19554-2022**

DHARMENDER ALIAS MALYA

.....Petitioner

***VERSUS***

STATE OF HARYANA

.....Respondent

**CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI**

Present : Mr. Ashit Malik, Advocate  
for the petitioner in CRM-M-15713-2022.

Mr. S.K.Panwar, Advocate  
for the petitioner in CRM-M-19554-2022.

Mr. Naveen Singh Panwar, DAG, Haryana.

**JASGURPREET SINGH PURI. J. (Oral)**

The present two petitions have been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioners in case FIR No.2 dated 4.1.2021 under Sections 148, 149, 323, 324, 325, 326, 307, 285, 201 IPC and under Section 25 of Arms Act, registered at Police Station Hassanpur, District Palwal. Both the petitions are being taken up together for final disposal with the consent of learned counsels for the parties since they arise out of the same FIR and both the petitioners are the accused in the same FIR.

The learned counsels for the petitioners have submitted that the petitioner-Ravi is in custody from 4.2.2021 and petitioner-Dharmender @ Malya is in custody from 6.3.2021 which is more than one year in both the cases. They submitted that earlier they had filed bail applications before this Court but the same were dismissed as withdrawn at that stage in view of the fact that no witness was examined at that point of time. They further submitted that thereafter the material witnesses including the complainant and the injured have since been examined and they have not supported the prosecution version and they have rather resiled and have been declared as hostile. They submitted that the petitioners have been falsely implicated in the present case and now the material witnesses including the complainant and the injured have been examined who have resiled, the petitioners may be considered for the grant of regular bail since no useful purpose will be served in case their custody is continued.

On the other hand, the learned State counsel has submitted that it is correct that both the petitioners are in custody from the aforesaid dates and the material witnesses including the complainant and both the injured persons have been declared hostile and they did not support the prosecution version. He further submitted that both these petitioners are involved in some more cases as well. Petitioner-Ravi is involved in two more cases pertaining to Sections 147, 148, 149, 323, 325, 341, 427, 452, 506 IPC and the petitioner-Dharmender @ Malya is involved in four more cases pertaining to Sections 147, 148, 149, 285, 323, 325, 307, 427, 452, 506, 34 IPC and Section 25-54-59 of Arms Act.

Both the learned counsels for the petitioners have submitted that with regard to the aforesaid cases which are pending against the petitioners, the petitioners were falsely implicated in those cases as well and they are on bail in those cases.

I have heard the learned counsels for the parties.

The petitioner-Ravi is in custody from 4.2.2021 and petitioner-Dharmender @ Malya is in custody from 6.3.2021. The

material witnesses including the complainant and the injured persons have since been examined. They have not supported the prosecution version and have been declared as hostile. So far as the involvement of the petitioners in other cases is concerned, the same would not become a bar for the grant of bail in the present case especially in view of the fact that they are on bail as per the learned counsels for the petitioners. Apart from the aforesaid position, it is not the case of the State that in case the petitioners are released on bail then they may influence any witness or may tamper with any evidence or may flee from justice.

Therefore, considering the totality of the circumstances of the present case, I deem it fit and proper to grant bail to the petitioners.

Consequently, both the petitions are allowed. The petitioners are ordered to be released on bail on furnishing of bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petitions only.

Since the main cases have been allowed, all the miscellaneous applications shall stand disposed of accordingly.

**(JASGURPREET SINGH PURI)**  
**JUDGE**

**July 06, 2022**  
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|----------------------------|---|--------|
| Whether speaking/reasoned. | : | Yes/No |
| Whether Reportable.        | : | Yes/No |