

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

105+223 CRM-M-30755-2022 (O&M)

Sonu @ DhakadPetitioner
Vs.
State of HaryanaRespondent

CRM-M-57941-2022

SandeepPetitioner
Vs.
State of HaryanaRespondent

Date of Decision.:20.07.2023

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Himmat Singh Deol, Advocate for the
petitioner in CRM-M-30755-2022 (O&M).

Mr. V.K. Yadav, Advocate for the
petitioner in CRM-M-57941-2022.

Mr. Parveen Kumar Aggarwal, DAG, Haryana.

DEEPAK GUPTA, J. (ORAL)

CRM-29569-2023:

This is an application under Section 482 Cr.P.C. for placing on
record deposition of Mahesh (PW-4) and Dinesh @ Sunda (PW-5) as
Annexure P-8 & Annexure P-9.

- 2. Allowed as prayed for.
- 3. Annexure P-8 and Annexure P-9 are taken on record.

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- 4. Both the petitioners namely Sonu @ Dhakad and Sandeep are
seeking regular bail by way of this petition filed under Section 439 Cr.P.C in

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case FIR No.163 dated 25.05.2019 registered under Sections 148, 149, 307, 302, 201 of the IPC, 1860 and Sections 25/54/59 of Arms Act, 1959 registered at Police Station Rewari, District Rewari.

5. FIR was lodged on the complaint of one Mahesh, as per which on 24.05.2019 Dharampal Sarpanch and Dhammal accompanied by 5-7 unknown unidentified boys came on a vehicle. Dharampal and Dhammal were carrying country-made pistols. Dharampal fired bullet towards the complainant Mahesh whereas Dhammal fired shot in the direction of Aditya hitting him on chest, due to which Aditya expired.

6. It is contended by learned counsel that none of these petitioners are named in the FIR or even in the statements of the other witnesses recorded under Section 161 Cr.P.C. and that their name surfaced only in the disclosure statement of co-accused Dhammal. It is further contended that similarly placed co-accused Dharambir; Bharampal @ Happy @ Habsi and Amit Khatana have already been allowed bail by this Court by way of different orders. Besides, it has also been stated by learned counsel for the petitioners that complainant of the case Mahesh has not supported the prosecution version as per Annexure P-8.

7. Opposing the petitions, learned State counsel contends that petitioner Sonu @ Dhakad had hit the vehicle of the deceased. However, he concedes that said fact is not mentioned in the FIR.

8. Custody certificate in respect of both the petitioners has been placed on record by learned State counsel revealing that petitioner Sonu @

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Dhakad is in custody for the last 1 year 10 months and 8 days whereas petitioner Sandeep is in custody for the last 1 year 2 months and 7 days.

9. Having regard to the aforesaid facts and circumstances and the fact that trial is likely to take long time to conclude, but without commenting anything further on the merits of the case, both the petitions are allowed and petitioners are admitted to bail on their furnishing bail bonds/surety bonds to the satisfaction of the Learned Trial Court/Duty Magistrate concerned, on usual terms and conditions.

July 20, 2023
Neetika Tuteja

(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No