

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-6228-2024(O&M)
Date of decision: 14.05.2024

Dharmbir
...Petitioner

Versus

State of Haryana
...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Pankaj Kaushik, Advocate for the petitioner.
Mr. Kiran Pal Singh, AAG, Haryana.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 438 of Cr.P.C. for grant of pre-arrest bail to the petitioner in FIR No. 266 dated 22.05.2023, under Sections 307, 120-B 323, 325, 506 read with Section 34 of Indian Penal Code, 1860 (for short 'IPC') and Section 25 of Arms Act, 1959, registered at Police Station Kharkhoda, District Sonipat, Haryana.

(2) Allegations are that petitioner along with other co-accused hatched criminal conspiracy and in pursuance thereof, caused multiple grievous injuries to victim-Subhash. One of the assailants fired a shot at the victim with an intention to kill him, but he had a narrow escape.

(3) Contends that petitioner has been falsely implicated in the present case and he was not named in the FIR; rather nominated on the basis of disclosure made by co-accused-Rohan. Also contends that no specific role is attributed to the petitioner.

(4) *Per contra*, learned State counsel while opposing the prayer submits that investigation in the matter is still going on. Further submits that petitioner is a previous convict in FIR No. 56 dated 14.02.2016, under Sections 302, 120-B IPC and Section 25 of Arms Act, registered at Police Station City, Gohana and he has



been sentenced to life imprisonment. Further submits that in case, petitioner is granted pre-arrest bail, there is every likelihood that he will misuse the concession of bail and hamper the investigation.

- (5) Heard learned counsel for both sides and perused the paper book.
- (6) Perusal of the status report dated 08.04.2024 filed by State reveals that petitioner was convicted under Sections 302, 120-B of IPC and Section 25 of Arms Act and sentenced to life imprisonment by learned Additional Sessions Judge, Sonipat on 28.09.2021.
- (7) That apart, allegations in present case are that petitioner alongwith co-accused hatched a criminal conspiracy and caused injuries to the victim; thus, he actively participated in the commission of crime. Keeping in view the gravity of offence and seriousness of allegations, custodial interrogation is very much necessary to go to the root of matter. Hence, this Court is not inclined to grant pre-arrest bail to the petitioner.
- (8) Consequently, petition is dismissed.
- (9) Observations made above be not construed as an expression of opinion on the merits of case in any manner; rather confined only to the present petition.
- (10) Pending application(s), if any, shall also stand disposed off.

14.05.2024
Harish Kumar

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No