



CRM-M-11235-2024

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222 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-11235-2024

Decided On: 08.08.2024

DHARMENDER @ SONU

.....PETITIONER(s)

Versus

STATE OF HARYANA

.....RESPONDENT(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Anshumaan Dalal, Advocate
for the petitioner.

Mr. Gagandeep Singh Chhina, A.A.G., Haryana.

MANJARI NEHRU KAUL, J.(Oral)

1. The petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.326 dated 09.09.2023 under Sections 392, 397, 452 and 34 IPC and Sections 25, 54 and 59 of Arms Act, 1959 registered at Police Station Arya Nagar , District Rohtak Haryana.

2. Learned counsel for the petitioner submits that the petitioner being framed in the present case is evident from the fact that on the day of occurrence in the present case he was involved in another FIR bearing No.310 dated 09.09.2023 under Sections 341, 506 and 34 IPC and Section 25 (1AB) of Arms Act, 1959. In FIR No.310 dated 09.09.2023, though petitioner was named, however, he was arrested after more than a month, whereas in the present case, even though the petitioner was not named, he was arrested soon after the registration of the FIR in question. Learned counsel further submits that it is, thus, apparent that the petitioner is innocent



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and police in order to solve the crime has tried to plant the present case upon him. It has further been submitted that after the charges were framed on 08.03.2024, the trial had not proceeded any further as none of the 10 prosecution witnesses had been examined so far. Hence, in the circumstances, the petitioner deserves to be enlarged on bail.

3. Per contra learned State counsel by drawing the attention of this Court to the allegations levelled in the FIR in question, reproduced in the body of the petition and is as follows:

“Statement of Vinod Kumar son of Sh. Ram Sawroop, resident of House No.799, Sector-1, Rohtak, aged 56 years, M.No.9467776823, stated that I am resident of above said address and have a medicine shop at Gohana Adda, Rohtak in the name of Sawan Medicos. As usual I was sitting at my shop at around 11:30 a.m. two boys on their motorcycle CD Deluxe came to my shop and asked for medicine. When I turned inside the shop to get the medicine, then both the boys entered the shop and one of the boys was having pistol in his hand who put it at my chest. The other boy tried to hit me with knife he had in his hand which hit me on my hand and my hand started to bleed a lot. They took ₹5000/- and mobile phone from the safe of the shop and both of them took me to the room built above the shop at pistol point and said give us all the money or you will be shot right here and took ₹5000/- from my pocket. They started trying to kill me and I jumped from roof in order to save my life, due to which both my legs got fractured and there was fracture in my spine. I can recognize the boys if they come before me. Both unknown boys have taken my total amount ₹10,000/-, one mobile phone make OPPO17 Pro having BSNL sim no.9416472216 and JIO sim no.8168655723. They caused me injury with knife, looted me



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and ran away on their motorcycle while threatening to kill me. Legal action be taken against the unknown two boys. Now you have come, I have made statement to you, heard it and is correct.”

4. Learned State counsel, on instructions, has submitted that no doubt, the petitioner was not named in the FIR in question, however, there was documentary evidence in the shape of CCTV footage, wherein the petitioner was clearly visible entering the shop of the complainant, and thereafter coming out of it, and thereafter riding away after the occurrence in question. It has also been submitted that the petitioner was one of the two assailants, who pointed out the fire arm towards the complainant and thereafter indulged in loot; the fire arm was subsequently recovered from the possession of the petitioner. The motorcycle on which the petitioner was seen riding away was also recovered from him. Learned State counsel has, thus, vehemently opposed the prayer and submissions made by the counsel opposite by urging that in case, the petitioner is extended the concession of bail at this stage, there is every likelihood that he could tamper with evidence and even try to intimidate the witnesses as the prosecution evidence is yet to be recorded.

5. I have heard learned counsel for the parties and perused the material placed on record.

6. In the facts and circumstances enumerated hereinabove especially the role attributed to the petitioner in the alleged occurrence, this Court does not deem it fit to extend the concession of bail. Accordingly, the instant petition stands dismissed.



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7. However, it is made clear that anything observed hereinabove, shall not be construed to be an expression of opinion on the merits of the case.

08.08.2024
Pd

(MANJARI NEHRU KAUL)
JUDGE

<i>Whether speaking/reasoned?</i>	<i>Yes/No</i>
<i>Whether reportable?</i>	<i>Yes/No</i>