

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.17179 of 2024 (O&M)
Date of Decision: 16.04.2024

Bhagwat Dayal

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Baljeet Beniwal, Advocate for the applicant/petitioner.

Mr. Praveen Bhadu, AAG, Haryana for the respondent.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 (*for short 'Cr.P.C.'*) seeking bail pending trial to the petitioner in FIR No.185 dated 25.06.2018, under Sections 302, 307 of the Indian Penal Code, 1860, (*for short 'IPC'*); Section 27 of the Arms Act, 1959 (Sections 323, 34, IPC & Section 27 of the Arms Act, 1959 deleted later on), registered at Police Station Hathin, District Palwal.

(2) Above FIR was registered on the basis of complaint made by Jasmat with the allegations that his uncle-Bhagwat Dayal (petitioner) fired gun shot on the head of his mother regarding dispute over a passage to the fields.

When brother of the complainant, namely, Harkesh tried to save her, petitioner

and other co-accused Naveen, Sorav and wife Gangawati, armed with *lathi & danda*, pushed him to the ground. Thereafter, petitioner fired shots at Harkesh. When complainant and his brother-Shiv Ram rushed to save his brother as well as mother, petitioner again fired shots with the intention to kill them. His uncle-Dharambir and neighbor-Jagbir took his brother-Harkesh and mother-Vidyawati to the Hospital for treatment; but Harkesh succumbed to the injuries on the way.

(3) Learned Counsel for the petitioner contends that although allegations are very serious against the petitioner on account of the fact that he fired shot(s) from licensed weapon, resulting into the death of Harkesh; but he is in custody for the last approximately six years and out of total 20 prosecution witnesses, only 04 have been examined till date.

(4) *Per contra*, learned State Counsel, while opposing the prayer of petitioner, submitted that petitioner, who is the main accused, fired many shots, resulting into the death of Harkesh; hence, in case petitioner is released on bail, he shall hamper the trial.

(5) Heard learned Counsel for the parties and perused the paper-book.

(6) Although, petitioner is in custody for the last approximately 05 years and 09 months; but in view of the serious allegations against him, this Court is not inclined to grant him bail pending trial “at this stage”.

(7) Consequently, there is no option except to dismiss the petition.

(8) Ordered accordingly.

(9) However, keeping in view the long custody, learned trial Court is requested to conclude the matter on day-to-day basis, if there is no legal impediment, and progress report be sent to the Registry by 31.07.2024.

(10) Needless to say that the observations made above shall not be construed as an expression of opinion on merits of the controversy in any manner.

(11) Pending application(s), if any, shall also stand disposed off.

16th April, 2024
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(MAHABIR SINGH SINDHU)
JUDGE

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