



CRM-M-29380-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(202)

CRM-M-29380-2024

Date of decision: - 18.06.2024

Dinesh Sharma

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Rajesh Lamba, Advocate,
for the petitioner.

Mr. Vivek Chauhan, Additional Advocate General, Haryana.

Mr. Vinod Kumar Seemar, Advocate
for the complainant.

VIKAS BAHL, J. (ORAL)

1. This is a first petition filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.501 dated 13.10.2023, under Sections 285, 307 and 34 IPC and Section 25 of the Arms Act, 1959, registered at Police Station Dabua, District Faridabad.
2. Learned counsel for the petitioner has submitted that the petitioner has been in custody since 08.03.2024 and the investigation in the present case has been completed and the challan has already been presented and there are as many as 26 prosecution witnesses, none of whom have been examined, thus, the trial is likely to take time. It is further submitted that in the present case, no one has suffered any injury



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and thus, the question as to whether Section 307 IPC would be attracted or not, would be a matter of debate. It is also submitted that complainant Dayaram has given an affidavit dated 08.02.2024 (Annexure P-2) to the effect that the present petitioner was not present at the spot and he has no objection in case bail is granted to the petitioner and that three co-accused of the petitioner have been granted the concession of regular bail vide two separate orders (Annexures P-3 and P-4).

3. Learned counsel appearing for the complainant has submitted that affidavit (Annexure P-2) has been given by the complainant without any coercion or undue influence and he has no objection in case bail is granted to the petitioner.

4. Learned State counsel, on the other hand, has opposed the present application for regular bail and has submitted that the petitioner is involved in several other cases and is a habitual offender.

5. Learned counsel for the petitioner, in rebuttal, has relied upon the judgment of Hon'ble Supreme Court in the case titled "**Maulana Mohd. Amir Rashadi vs. State of U.P. and another**", reported as **2012 (2) SCC 382** to contend that the facts and circumstances of the present case are to be seen and the bail application of the petitioner cannot be rejected solely on the ground that the petitioner is involved in other cases. The relevant portion of the said judgment is reproduced hereinbelow:-

"As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction



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of the Court etc.”

6. This Court has heard the learned counsel for the parties and has perused the paper book.

7. Keeping in view the above-said facts and circumstances, more so, the fact that the petitioner has been in custody since 08.03.2024 and the challan in the present case has already been presented and there are as many as 26 prosecution witnesses, none of whom have been examined and also the fact that in the present case, no injury has been suffered by any person and also in view of the fact that the complainant has given an affidavit dated 08.02.2024 to the effect that the present petitioner was not present at the spot and he has no objection in case the bail is granted to the petitioner and also the fact that three co-accused of the petitioner have been granted the concession of regular bail, vide two separate orders (Annexures P-3 and P-4), by Co-ordinate Bench of this Court and also in view of the law laid down in **Maulana Mohd. Amir Rashadi's case (supra)**, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail / surety bonds to the satisfaction of the concerned trial Court/ Duty Magistrate, subject to him not being required in any other case.

8. However, it is made clear that in case, any act is done by the petitioner to threaten or influence the complainant or any of the witnesses, then it would be open to the State to move an application for cancellation of bail granted to the petitioner.

9. Nothing stated above shall be construed as a final expression

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of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

June 18, 2024

naresh.k

(VIKAS BAHL)

JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No