



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-36749-2024
Date of decision: September 18th, 2024

Dharamveer @ Dharmi
.....Petitioner

Versus

State of Haryana
.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Brijender Kaushik, Advocate
for the petitioner.

Mr. Gagandeep Singh Chhina, Assistant Advocate General,
Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

This is a third petition filed by the petitioner seeking the concession of regular bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.264 dated 27.12.2021 under Sections 148, 149, 332, 341, 302, 120-B, 201 of the Indian Penal Code, 1860 registered at Police Station Tigaon, District Faridabad.

2. Learned counsel for the petitioner, *inter alia*, contends that the false implication of the petitioner in the instant case is evident from the fact that although as per allegations levelled in the FIR, which has been annexed as Annexure P-1, the petitioner was alleged to be armed with a knife with which he allegedly inflicted an injury on the hand of the deceased, however, the recovery stated to have been affected from the petitioner pursuant to a disclosure statement was shown to be that of a stick. It has still further been argued that after the petitioner was arrested on 31.12.2021, only nine witnesses had been examined out of

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the 30 cited by the prosecution, which included both the material witnesses i.e. the complainant/eyewitness Sonu as well as Vineet besides the doctor, who medico legally examined the injured witnesses, and some police officials. Learned counsel submits that in the circumstances, especially in the light of long incarceration of the petitioner and he having no criminal antecedents, his further incarceration would serve no useful purpose as 21 prosecution witnesses still remain to be examined.

3. *Per contra*, learned State counsel while opposing the prayer and submissions made by the counsel opposite, has reiterated the allegations levelled in the FIR, which stands reproduced hereinunder:-

*“To, SHO, Police Station Tigaon, Faridabad. Subject: Application for registration of case for planning and ganging with each other and killing by inflicting injuries through knives. Sir, it is humbly prayed that I sonu son of Sh. Satpal Nagar, resident of village Tigaon, District Faridabad. Today at about 02.30-03.00 dated 27.12.2021 Pawan, Rahul and Pawan's father Naresh and Naresh wife Shimla and **Dharmi @ Dharamvir** and Lalaram attacked Pankaj, Vineet, Vikas, Manish with bricks due to dispute regarding laying of water pipeline in this regard a complaint was submitted to police. And we went to police station Tigaon and after coming out of police station Pawan and Rahul son of Naresh threatened Pankaj and stated that today Pankaj will be finished, and then we came back to our house. At about 04.30 in the evening I along with Vineet, both were coming from house and when we were about 50 meter from the house of Sundar then during this period Pankaj son of Rajveer was coming out of house and going on bike then we saw that about the house of Sundar with planning Pawan, Rahul,*



Naresh Dharambir @ Dharmi, Shimla and Lala Ram were standing and carrying knives and sticks in their hands and when Pankaj saw them, then Pawan exhorted that today catch him and kill him and he should not be left and then surrounded him and Pawan gave knife blow on chest of Panjak, Rahul gave knife blow in stomach, Naresh gave knife blow near the chest. Dharmi @ Dharamvir gave knife blow on hand, Lalaram and Shimla caught him from behind and during this period Pankaj fell down on ground. On his falling Lalaram and Shimla attacked him with knives and I went to save him then Rahul and Pawan stated to finish me as well. Vineet went to save me then Rahul gave blow on stomach, which hit him on his left hand. After hearing the commotion Yogesh also came on spot and all the above accused went away from there that today Pankaj is finished. They went away from spot carrying sticks and Knives, and Yogesh looking at Pankaj in injured condition lying on ground brought his vehicle and during this period I along with Vineet put Pankaj in the vehicle and took Pankaj to Sarvodaya Hospital, wherein doctors declared Pankaj dead. Sir, Pawan, Rahul, Naresh, Dharmi @ Dharamvir, Lalaram, Shimla with the planning and motive ganged together and killed my brother Pankaj. Therefore, it is prayed that case be registered against all the above accused and strict action be taken.”

4. Learned State counsel has argued that although the petitioner has not been attributed fatal injuries on the person of the deceased, however, he was an active participant in the crime in question as he too inflicted a knife injury on the hand of the deceased. Still further, it has been submitted that both the material witnesses, while stepping into the witness box, had supported the case of the prosecution. Learned State counsel, however, on instructions, has not



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disputed the custody period as well as the stage of trial and also the factum of the petitioner not being involved in any other criminal case.

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

6. The instant case is based on ocular testimony; both the material witnesses i.e. the complainant and Vineet, who allegedly witnessed the occurrence in question stand examined, hence, there can now be no apprehension of the petitioner tampering with evidence much less trying to intimidate the witnesses. The trial would take considerable time to conclude as 21 prosecution witnesses still remain to be examined.

7. In the facts and circumstances as enumerated hereinabove, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned. 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.

8. Needless to say, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

September 18th, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No