



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

340

CRM-M-50489-2024 (O&M)
Date of decision : 28.10.2024

Ashok @ Pardhan

..... Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Gurasis Singh, Advocate for
Mr. Saurabh Dalal, Advocate
for the petitioner.

Mr. Sandeep Singh, Addl. A.G., Haryana.

PANKAJ JAIN, J. (Oral)

1. Present petition has been filed under Section 483 of B.N.S.S. for grant of regular bail to the petitioner in case bearing FIR No.0213 dated 24.06.2019, registered for the offences punishable under Sections 186, 307, 332, 353, 411, 412, 420, 467, 468 and 471 of IPC and Sections 25/54/59 of Arms Act, 1959 at Police Station Kharkhoda, District Sonipat.

2. As per the contents of the FIR, it has been alleged as under:-

“Brief Facts of the Case To, The S.H.O. Sahib, Police Station Kharkhoda. Today, I Inspector was present at STF Staff Sonipat, in the meantime, a secret Informer came present at STF Staff and informed that the most wanted accused persons, namely, Ashok @ Pardhan R/o Nilothe, Nitesh @ Dhandu Rio Sisana, Arun Baba R/o Matindu, Yogesh Rio Sisana and Sanam Dagar Rio Samaspur, Delhi, who are also most wanted accused persons in the states of Haryana, Delhi, U.P. and Madhya



Pradesh would commit murder of Vishal Maan Rio Delhi at Kharkhoda, today in connivance with their friends, namely, Mohit R/o Rurki, Ombir R/o Sisana and Vikas Lambu R/o Sisana and Ashok Nilothi; they would be coming in white colour FORTUNER Car, which was robbed by them and also by two robbed motor cycles, Make Splendor along with their deadly weapons and illegal pistols. The information was found reliable/trustworthy and the same was shared with high official and they were informed accordingly. Upon receiving the above information, I Inspector along with ASI Chand Ram 1097/Jhajjar, ASI Niranjana 1026/Sonipat, H.C. Sandeep 936/Jhajjar, Constable Rakesh 2228/Sonipat, Constable Vikas 4530/Gurugram along with Driver Constable Mandeep 1738/JJR of Govt. Vehicle Tavera HR-63C-2503, Head Constable Devender 1201/Sonipat, Constable Amit 1255/Jind, Constable Ajit 325/Sonipat, Constable Amit 2066/Sonipat, Constable Neeraj 976/Sonipat, Constable Jitender 12213/Jind, Constable Deepak 94/JJR, along with Driver of government vehicle Bolero bearing No. HR-03X-4487, namely, C. Harender 558/Dadri, reached at the spot, which was disclosed by the secret informer, i.e., Kharkhoda - Delhi Road, from the side of Village Pipli towards Kharkhoda at 05.15 P.M. That i inspector apprised the passersby about the facts of the case while stopping them and requested them to become witness but as the time and place was not specific, therefore, they while disclosing their genuine problems went away. At a little distance thereafter a white colour FORTUNER Car was found lying parked on the road side, wherein, three young boys were sitting and two Splendor Motorcycles were also parked near the FORTUNER Vehicle; two boys were sitting on each motorcycle and one more boy was standing besides the motorcycle. Upon coming to know that police is there, the person who was sitting on the driver seat on FORTUNER Car shouted that "Police



is here, fire shots at Police and run from here" the very moment, I Inspector warned them in a loud voice that "Police is here, surrender 'along with their weapons" immediately the boy who was sitting on the front at motorcycle and the person who was standing near the car fired at Police with an intention to kill. The bullet passed away while touching my arm due to which I Inspector and other police officials saved ourselves with difficulty. All assailants ran away with their motorcycles and FORTUNER vehicle; the driver of FORTUNER vehicle ran away along with vehicle and he also fired at Police party directly with an intention to kill them and also tried to run over the vehicle upon the police party and thereafter, they took the vehicle towards the side of Saidpur. The boy who was standing near the vehicle also ran away by the motorcycle. Both the motorcycles went away towards the side of Kharkhoda. All the police officials saved themselves and followed the assailants to catch them and during the period a message was flashed at 100 Number (VT) for laying Naka to catch the assailants. I Inspector also fired two shots in air from my service revolver while warning them but the healthy person who was sitting in the middle seat of Splendor motorcycle directly fired at Police, which hit at the left door of TAVERA vehicle and he again fired at the police party with an intention to kill but the police party rescued themselves with great difficulty. The balance of motorcycle was disturbed while running away due to which all the three persons sitting on the motorcycle fell down and they started running towards the fields. I Inspector in order to save ourselves and to catch the assailants again fired two shots. At a little distance, the healthy boy/assailants fell down and then he was nabbed by me (Inspector and ASI Chand Ram). Upon asking, he disclosed his name as Nitesh Dhandu @ Patwari S/o Sukhdarshan, Jaat by caste, R/o Sisana, District Sonipat and a pistol 32 bore was recovered from his right hand.



Head Constable Sandeep and C. Vikas produced one young boy along with one country made pistol along with two live cartridges before me (Inspector); upon asking he disclosed his name as Naveen @ Mohit @ Sundu S/o Ashok Kumar, Jaat by caste, Rio Kharmana, Police Station Bahadurgarh at present Rurki. ASI Niranjana and C. Rakesh also produced one young boy along with illegal weapon before me (Inspector); upon asking he disclosed his name as Ombir Acharya S/o Baljit Singh, Jaat by caste, R/o Sisana, District Sonipat. The two other persons who were running by the another motorcycle were apprehended by the police team following them in Bolero vehicle after putting sincere efforts; they were apprehended while running in the fields. That Head Constable Devender and Constable Ajit apprehended one young man along with illicit weapon and produced him before me (Inspector), who upon asking disclosed his name as Yogesh S/o Mahabir Singh, Jaat by caste, R/o Sisana, District Sonipat. Constable Amit 1255/Jind and Constable Jitender produced one young boy before me (Inspector), who upon asking disclosed his name as Vikas @ Lambu S/o Karambir, Jaat by caste, R/o Sisana, District Sonipat. During the period ASI Sumer 260/Sonipat along with team reached at the spot by Government vehicle Make Sumo HR-10Y-1129 upon receiving VT message and he was apprised to chase the assailants who ran away through FORTUNER Vehicle. The pistol of 32 bore which was recovered from accused Nitesh @ Dhandu bearing black colour strips on both sides of butt and on the left side there is an impression LLAMA GABILONCOY CIA VITORIA"; upon checking, the magazine found containing four live cartridges. Its sketch was prepared and upon measuring, the length of barrel was found 11 Cm.. the length of body was found 8 Cm. and the length of butt was 10 Cm. The weapon i.e. country made pistol of 315 bore which was recovered from accused Naveen @ Mohit @ Sundu



found bearing wooden strips on the butt both sides and it was wrapped with black tape; above is hamber and triggered is downside and there is safety catch of iron; upon checking the chamber was found containing one empty shell but two live cartridges were found from accused Naveen @ Mohit; its sketch was prepared and upon measuring the length of barrel was found 10 Cm, the length of body 10 Cm, and the length of butt is 7 Cm. The weapon i.e. country made pistol of 315 bore which was recovered from accused Ombir @ Acharya found bearing wooden strips on the butt both sides and above there is hamber and triggered is downside; upon checking the chamber was found containing one live cartridge of 315 bore; its sketch was prepared and upon measuring the length of barrel was found 12 Cm, the length of body 10 Cm. and the length of butt is 10 Cm. The weapon i.e. country made pistol of 315 bore which was recovered from accused Yogesh found bearing wooden strips on the butt both sides; above there is hamber and triggered is downside and there is safety catch of Iron: upon checking the chamber was found containing one empty sheli of 315 bore but three live cartridges of 315 bore were found from Yogesh; Its sketch was prepared and upon measuring the length of barrel was found 16 Cm, the length of body 10 Cm. and the length of butt is 8 Cm. All the recovered Illegal pistols and cartridges were taken into police possession by preparing sample parcels duly sealed with seal bearing impression NK. Upon asking about the motorcycle Make Hero Splendor Pro bearing No. HR14N-21390 recovered from the accused persons, Naveen @ Mohit @ Sundu disclosed that the same was stolen from Village Basai, Gurugram and to deceit the police officials the number plate has been replaced. Upon asking about the motorcycle make Hero HF Deluxe Red Colour, without number plate, accused Nitesh Dhandu disclosed that the same was robbed from IMT Rohtak. Both were taken into, police possession by preparing



separate memos. Upon asking about the three assailants who ran away in Fortuner vehicle, Nitesh @ Dhandu, Yogesh, Naveen@ Mohit, Ombir @Acharya disclosed that the person who was driving the Fortuner vehicle is their gang leader, whose name is Ashok @ Pardhan S/o Ramphal, R/o Nilothe, District Jhajjar and the person who was sitting on the front seat along with him is Sanam Dagar Mangey S/o Mahesh R/o Samaspur Khalsa, Ujjwa, Delhi and the third person, who was sitting on the rear seat in FORTUNER vehicle, is their companion Arun Baba S/o Sanjay Rio Matindu, Sonipat. That the accused persons, namely, Nitesh @ Dhandu, Yogesh, Naveen @ Mohit @ Sundu, Ombir Acharya, Vikas @ Lambu, Ashok Nilothe, Arun Baba and Sanam Dagar fired with an intention to kill the police party from the illegal weapons and by making an attempt to run over their vehicle upon the police party, by deteriorating and causing hindrance in the Government work and by keeping in their possession the stolen motorcycles and by placing the fake number plates upon the motorcycle with an intention to cheat have committed the offences punishable under Sections 186, 332, 353, 307, 420, 467, 468, 471, 411, 412 IPC and Section 25-54-59 Arms Act. The Tehrir is being sent at Police Station through constable Amit 2066/Sonipat for registration of case FIR. The number of case FIR be intimated after its registration. Special reports of the case be sent to high officials. FSL team and another investigating officer for further investigation of the case be sent at the spot. The assailants who ran away be searched after laying Nakabandi. At the outskirts of Village Pipli, Kharkhoda, Delhi Road. Sd/- Satish Kumar Inspector/STF Unit Sonipat, STF Gurugram Dated 24.06.2019xxxxx”

3. The precise allegation against the petitioner is that he was driving the fortuner vehicle which tried to run over the police party.



4. Counsel for the State does not dispute that challan already stands presented.
5. Petitioner is behind bars for more than 03 years, 02 months and 26 days. Though, the State counsel has referred to the antecedents of the petitioner, but in view of the observation made by Supreme Court in the case of *Prabhakar Tiwari vs. State of U.P.' reported as (2020) 1 RCR (Cri.) 831*, the same cannot be the ground to deny bail to the petitioner.
6. Keeping in view the incarceration already suffered by the petitioner, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.
7. Needless to say nothing recorded herein shall be construed to be an expression of an opinion on the merits of the case.
8. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(PANKAJ JAIN)
JUDGE

28.10.2024
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No