

2025:PHHC:069583



**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

230

CRM-M-38423-2024

Date of decision: May 22, 2025

NAVEEN @ SAHIL @ DOGA

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Amit Chaudhary, Advocate
for the petitioner.

Mr. Yuvraj Shandilya, AAG, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

1. The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.168 dated 02.09.2020 under Sections 148, 149, 302, 323, 395, 440, 459, 120-B, 212, 201, 325 of the Indian Penal Code, 1860 and Section 25 of the Arms Act, 1959, registered at Police Station Bhattu Kalan, District Fatehabad.
2. Learned counsel for the petitioner has submitted that the petitioner has been in custody since 02.10.2021 in a case based on eyewitness account. It has been argued by the learned counsel that a perusal of the FIR (Annexure P-1) as well as the testimony of eyewitness PW Dinesh and Anil, which is annexed with petition, clearly reveals that although the petitioner has been named therein, however, no specific injury has been attributed to him. Rather, deceased Sandeep was inflicted firearm injuries by 2 of the co-accused i.e. Ramesh @ Lilu and Mewa Singh @ Kalu Bhadu, who had been attributed specific injuries on the person of the deceased.



3. It has been further submitted that even the complainant, who was present at the place of occurrence, had deposed in identical terms. It has been still further submitted that the contents of the status report, which has been filed by the State, pertaining to the role attributed to the petitioner in the occurrence in question, is factually incorrect and contrary to the testimony of the 2 material witnesses. Learned counsel submits that in the circumstances, when there is no likelihood of the trial concluding in the near future with 45 prosecution witnesses still remaining to be examined, further incarceration of the petitioner would serve no useful purpose.

4. Learned State counsel has, however, reiterated the contents of the status report and submitted that the petitioner was present along with all the co-accused; he took the weapon of offence from co-accused Suresh @ Fauji and thereafter, fired towards the deceased, which then proved fatal for him. Learned State counsel has, in addition, reiterated the allegations levelled in the FIR, which stands reproduced hereinunder: -

“Statement of Dinesh Kumar aged 34 years, S/o Maan Singh S/o Sh. Hari Singh Janjaria, R/o Village Kalirawan, Tehsil Adampur, District Hisar Mobile 98125-31311. Stated that I am resident of above-mentioned address and partner in Daiyar Country made liquor vend. Yesterday, on 01.09.2020, I alongwith Sandeep Son of Krishan Kaswan R/o Daiyar, Anil Son of Subhash Chander Kaswan and Jasbir Son of Shri Chand Kaswan residents of village Daiyar was sitting in the office of Daiyar Country Made Liquor Vend. At about 8/8.15 pm three cars and one Bolero vehicle came from the side of village Daiyar and stopped in front of our office. Ramesh Son of Kehar Singh, R/o Village Daiyar from one car, and Leelu Ram R/o Village Thuiyan, Mewa Singh @ Kalu Bhadu son of Satbir Singh resident of Jhandwala sBagar and Sahil @ Doga son of Rajbir R/o Village Ragha, Tehsil Rajgarh, Rajasthan from other vehicles got alighten and 10/12 other persons also got alighted



from the said vehicles, to whom I do not identify. Ramesh, Leelu @ Ramesh Beniwal, Mewa Singh @ Kalu Bhadu, Sahil @doga were carrying pistols/country made pistols in their hands and others were carrying iron rods in their hands. Then Ramesh son of Kehar Singh R/o Daiyar while standing in front of our office raised lalkara that they had come to take revenge of their father Kehar Singh and uncle Jaibir and we will kill you. On this Ramesh Leelu @ Ramesh Beniwal, Mewa Singh @ Kalu Bhadu, Sahil @ Doga came in the office and Sahil stated that they had been sent by Jaibir to take revenge. Today, we will not leave you. on this, Ramesh son of Kehar Singh fired a shot from his pistol at Sandeep S/o Krishan R/o village Daiyar, with an intention to kill him. Thereafter, Leelu @ Ramesh Beniwal, Mewa Singh @ Kalu Bhadu and Sahil @ Doga also fired shots from their pistols which they were having in their hands. The bullet fired by Ramesh was received by Sandeep on the left side of his abdomen, whereas, the bullet fired by Leelu @Ramesh was received on the left elbow of Sandeep, the shot fired by Mewa Singh @ Kalu Bhadu was received by Sandeep on his right leg and the shot fired by Sahil @ Doga directly hit the wall of the office. In the meantime, 10-12 other persons carrying iron rods in their hands, also came in the office and launched an attack upon them. They caused injuries with iron rods to them on their head, hands and legs. They gave injuries to Anil on his head, hands and legs. Further, they have injuries to Jasbir and me also. They also damaged the articles LCD, DVR, Washing Machine, Counter, Almirah and doors of the office. Two mobiles were kept on the bed lying the office, these mobiles were damaged by Sahil @ Doga by firing. They also took away cash of Rs. 2 lakh 50 thousand from the almirah of the office. After going out of the office they also damaged vehicles Bolero Camper (while colour) and Etiod belonging to Jasbir and two splendor motorcycles, parked in front of the office. They took away the DVR of CCTV camera installed in the office. Thereafter, the assailants alongwith their weapons fled from the spot in their respective vehicles to the side of village Jogiwala. After that Vikas son of Ram Parshad after getting the information came on the spot alongwith his vehicle. Someone called ambulance also and the ambulance came on the spot. Anil and Jasbir were taken to the CHC, Bhatu Kalan in the same ambulance, whereas, I and Sandeep came in the vehicle of Vikas to CHC, Bhattu Kalan. After giving first aid the doctor referred to all of us to MAMC Agroha. So for better treatment we came to Supra Hospital. Anil and Jasbir were got admitted in Supra Hospital. Due to minor injuries, I never got



admitted in the hospital. Sandeep son of Krishan R/o Daiyar was checked by the doctor in ambulance itself and he declared dead. On this dead body of Sandeep was kept in the dead house of General Hospital, Hisar. The motive of inflicting the injuries is the earlier quarrel taken in between us and Jaibir. Only to take revenge of earlier quarrel Jaibir in collusion with the other persons have given injuries to us. Due to the injuries Sandeep has expired. Strict legal action be taken against Jaibir son of Ram Chander, Ramesh son of Kehar Singh, Ramesh @ Leelu Beniwal, Mewa Singh @ Kalu Bhadu, Sahil @ Doga and 10-12 other persons and justice be provided to us. I have read over the statement and the same is correct. Sd/- Dinesh dated 02.09.2020.”

5. Furthermore, learned State counsel, on instructions, has not disputed that the petitioner has been in custody since 02.10.2021 and till date, only 2 prosecution witnesses, both material witnesses, stand examined out of the 45 cited. Learned State counsel has also brought to the notice of this Court that the petitioner has previous criminal antecedents as it is a matter of record that he is facing trial in 4 other criminal cases.

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

7. No doubt the petitioner has been named in the FIR in question, however, no injury, much less fatal, has been attributed to the petitioner in the alleged occurrence. The petitioner has been in custody since 02.10.2021; the instant case is based on eyewitness account, and both the material eyewitnesses, including the complainant, stand examined. As per the testimony of both the eyewitnesses also, which are annexed with the petition, the petitioner has not been attributed any injury, much less fatal, on the person of the deceased.



8. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of regular bail to the petitioner as the trial would take considerable time to conclude.

9. Accordingly, the instant petition is allowed, and the petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. However, while admitting the petitioner to bail, learned trial Court/Duty Magistrate concerned may put him to any stringent conditions as it deems fit, so as to ensure the presence of the petitioner during the trial.

10. 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.

11. Needless to add here, in case the petitioner is found misusing the concession of bail, the State would be at liberty to approach this Court to seek cancellation of bail to him.

May 22, 2025
Jaspreet Kaur

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*