



220 (1)

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

CRM-M-22206-2024

Date of Decision: 19.05.2025

SUDHIR ALIAS TILU

...PETITIONER

VS.

STATE OF HARYANA

...RESPONDENT

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Manish Soni, Advocate &
Mr. Gurdeep Grewal, Advocate
for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 439 of Cr.P.C. with a prayer to grant regular bail to him in case FIR No.583 dated 31.10.2018, registered under Sections 302 read with 34, 118 IPC, 25 of Arms Act, 1959 (as per chargesheet dated 17.10.2022, Police Station Dharuhera, District Rewari.

2. The FIR in the present case was registered on the basis of the statement made by Babu Lal son of Jagmal Singh and the same has been reproduced below:-

*“To the Police Station Warden, Police Station Dharuhera District
Rewari, it is requested that I Babu Lal s/o Sh. Jagmal Singh Caste*



Aheer am resident of Village Kharkhara Police Station Dharuhera Rewari. We are four brothers. Rambir @ Bagga was my younger brother. On dated 30.10.2018 I had come for giving milk to my brother Rambir at our Yadav Hotel near behind Karma Petrol Pump near area Dharuhera in front of Hotel. That my brother came out for taking milk from me, at that time Mukesh s/o Sh. Phul Singh of village Jonayacha Police Station Shahjanpur and Krishan s/o Sh. Dharam Singh resident of Kharkhara were also there, that at time about 7:45 one Motorcycle to which Naresh s/o Dalip Singh of village Kharkhara by driving came from the side of Karma Petrol Pumn NH-8, behind him one more boy was sitting whose name I do not know, that Naresh by coming near us stopped the motorcycle and at once by getting down from the Motor cycle take out the pistol from within his shirt and fired the shot at my brother, after that my brother fell down, after that Naresh and his companion fired the shots randomly, then I for safety of my brother came forward then they fired shot in the air and the boy sitting behind by wavering the revolver which he was holding in his hand ran away by taking their motor cycle. We took our brother to Rewari Trauma Centre for treatment then the doctor declared my brother brought dead. The reason of grudge is that about 5-6 months ago quarrel had occurred with Naresh s/o Sh. Dalip Singh and Vinod @ Binnu s/o Sh. Sumer Singh of village Kharkhara. The reason of the quarrel was that they had come to demand extortion, Rambir had refused to give the extortion, both of them had given the threatening of killing after which it had been decided through Panchayat. Now I am giving you written application. Legal action be taken Sd/- Babu Lal s/o Sh. Jagmal Singh Aheer resident of Kharkhara Mob. 9728996300.”

3. Learned counsel for the petitioner contends that the petitioner was not named in the FIR and only the prosecution had alleged that Naresh and his associate, co-accused fired indiscriminately on the brother of the complainant.



He further contends that during the course of investigation, the police arrested Naresh, main accused on 19.11.2018 and during the course of his interrogation, the petitioner was also named as one of the accused by Naresh. He further contends that only on the strength of the disclosure statement suffered by Naresh, the petitioner has also been arrayed as accused in the present case. Except the said evidence, there is no other legally admissible evidence against the petitioner and he has been falsely involved in the present case. He further contends that Naresh was tried by the competent Court and has already been acquitted by the Court. The petitioner was arrested in the present case on 25.05.2022 and is in custody for the last about 03 years. He further contends that 33 witnesses out of total 34 witnesses, have been examined so far and since all the material witnesses have been examined, there are no chances of tampering with the prosecution evidence.

4. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner was involved in 09 other cases and he does not deserve the concession of bail by this Court. However, he is not aware about the present status of all these 09 cases. It is an admitted fact that after 2005, no criminal case has been registered against the petitioner.

5. I have heard the learned counsel for the parties and perused the record carefully.

6. In the present case, the allegations were mainly levelled against Naresh, co-accused and after complete trial, he has been acquitted by the trial Court. The petitioner was named by Naresh Kumar and his disclosure statement and the prosecution is yet to prove the charge against him before the trial Court.



Moreover, the petitioner has been in custody for about 03 years and his further custody will not serve any useful purpose.

7. Without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial on his furnishing bail bonds and surety to the satisfaction of the concerned trial Court/Duty Magistrate/Chief Judicial Magistrate subject to the following conditions:-

(i) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.

(ii) The petitioner shall remain present before the Court on the dates fixed for hearing of the case.

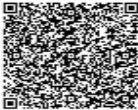
(iii) The petitioner shall not absent himself from the Court proceedings except on the prior permission of the Court concerned.

(iv) The petitioner shall surrender his passport, if any, (if already not surrendered), and in case he is not holder of the same, he shall swear an affidavit to that effect.

(v) The petitioner shall also file his affidavit before the concerned Court, mentioning his ordinary place of residence and number of mobile phone, which shall be used by him during the pendency of the trial. In case of change of place of residence/mobile number, he shall share the details with the concerned Court/learned Trial Court.

(vi) In case, the petitioner is involved in any other criminal activity, during the pendency of the trial, it shall be viewed seriously.

(vii) The concerned Court may insist on two heavy local sureties and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the petitioner.



8. In case, the petitioner violates any of the conditions mentioned above, it shall be viewed seriously and the concession of bail granted to him shall be liable to be cancelled and the prosecution shall be at liberty to move an application in this regard.

19.05.2025
vipin

(N.S. SHEKHAWAT)
JUDGE

Whether reasoned/speaking	:	Yes/No
Whether reportable	:	Yes/No