

2025:PHHC:149243



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

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CRM-M-28211-2025
Date of decision: 30.10.2025

DHARMENDER ALIAS DHAMMALPetitioner

VERSUS

STATE OF HARYANARespondent

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: - Mr. S.S. Nain, Advocate
for the petitioner.

Ms. Chhavi Sharma, Asstt. A.G. Haryana
for the respondent-State.

VINOD S. BHARDWAJ, J. (Oral)

1. The instant 6th petition has been filed under Section 483 of The Bharatiya Nagarik Suraksha Sanhita, 2023, for the grant of regular bail in case bearing FIR No. 163 dated 25.05.2019, registered under Section(s) 148, 149, 302 and 307 of the Indian Penal Code, 1860 and Section 25 of the Arms Act, 1959 at Police Station City Rewari, District Rewari.

2. The FIR in the present case was registered on the basis of a complaint lodged by Mahesh, son of Hukam Chand. As per the complaint, on 25.05.2019, the complainant was consuming liquor at a vend situated at

Nai Wali Chowk, Rewari. Around 8:00 PM, his companions, Ajit (resident

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of Kankarwali) and Dinesh (resident of Bada Talab, Rewari), took his vehicle bearing registration No. HR36AE-2005 for some work. At about 9:00 PM, individuals named Titu Thakur (resident of TF Scheme), Sunil (resident of Jalalpur), and Anil approached the complainant at his house and informed him that the persons travelling in his vehicle had engaged in a quarrel near Sati Colony and had caused injuries to their companions, Hanuman and Ombir, both residents of Asalwas. The complainant stated that he was unaware of any such quarrel. He thereafter contacted Ajit and Dinesh telephonically and learnt that Dinesh, Ajit, Liyon, and Manish had indeed caused injuries to Hanuman and Ombir. The complainant claimed that he discussed the possibility of a compromise regarding the altercation; however, Titu and others left the place. Later, while the complainant, Navin (son of Shri Bhagwan), and Manish (son of Yogender) were conversing in front of his house with Aditya (son of Dharmender) and Dinesh (son of Het Ram), at about 10:30–11:00 PM, a Scorpio vehicle bearing registration No. HR81-1114 or 1411 arrived there. It was alleged that Dharampal, Sarpanch of village Asalwas, was seated on the front passenger seat, accompanied by Dhammal, a resident of Badhrana, and 5–7 unidentified young men. Dharampal and Dhammal were armed with country-made pistols, while the others carried rods and lathis. They stopped near the complainant's group, where Dharampal and Dhammal threatened to teach them a lesson for injuring Hanuman and Ombir. Dharampal allegedly fired a shot from his country-made pistol towards the complainant, while Dhammal fired at Aditya, hitting him on the left side of his chest. Aditya was further assaulted

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by Dharampal and the other assailants before they fled from the spot. The complainant, with the help of others, shifted Aditya to Pushpanjali Hospital, where he succumbed to his injuries during treatment.

3. Learned counsel appearing on behalf of the petitioner submits that the petitioner has been falsely implicated in the present case at the instance of the complainant. He contends that there is an inordinate and unexplained delay in the registration of the FIR, which casts a serious doubt on the veracity of the prosecution's version. It is further submitted that the petitioner has been in custody since 04.06.2019 and has already undergone actual custody of more than six years. Out of the total 62 witnesses cited by the prosecution, only 8 have been examined till date and the trial is likely to take a long time to conclude. Learned counsel further contends that the petitioner is not involved in any heinous offence. He points out that although one case had earlier been registered against the petitioner under Section 325 IPC vide FIR No. 148, he already stands acquitted therein by the judgment dated 08.12.2014 passed by the learned Judicial Magistrate First Class, Rewari. The only other case against the petitioner pertains to FIR registered in the year 2020 under Section 42-A of the Prisons Act at Police Station Bhondsi, Gurugram, which does not involve any serious criminality. It is argued that the trial in the present matter is unlikely to conclude in the near future and, therefore, continued incarceration of the petitioner would amount to violation of his fundamental right to speedy trial guaranteed under Article 21 of the Constitution of India. In such circumstances, learned counsel prays that the petitioner be enlarged on bail pending conclusion of the trial.



4. Learned counsel appearing on behalf of the respondent-State, on the other hand, opposes the prayer for bail and submits that the petitioner is the principal accused in the present case. It is contended that the petitioner had fired a shot at the deceased, Aditya, which struck him on the left side of his chest, resulting in his death. However, learned State counsel fairly concedes that, apart from the criminal cases already referred to by the petitioner, there is no other case registered against him. It is also not disputed that the petitioner has already undergone actual incarceration of more than six years and that only 8 out of the total 62 witnesses have been examined so far.

5. I have heard learned counsel appearing on behalf of the respective parties.

6. In view of the facts noticed above and taking into consideration the period of custody of the petitioner as also the stage of trial, I am of the opinion that an actual custody of more than 06 years would entitle the petitioner to the concession of bail at this stage more so when the trial is still at the initial stages and only 08 out of 62 witnesses have been examined so far. Thus, I deem it appropriate to enlarge the petitioner on regular bail to the satisfaction of the trial Court.

7. The instant petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing requisite bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate, concerned.



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8. It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

9. The observation made hereinabove shall not be construed as an expression on the merits of the case and the Trial Court shall decide the case on the basis of available material.

OCTOBER 30, 2025
Vishal Sharma

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No