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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-32627-2024(O&M)
Date of decision:-18.03.2025

VIJAY

...Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. R.N.Lohan, Advocate for the petitioner.

Mr. Vipul Sherwal, AAG, Haryana.

Mr. G.S. Aulakh, Advocate for the complainant.

SANJIV BERRY, J. (ORAL)

Learned State counsel has filed custody certificate dated 10.03.2025, the same is taken on record, copy thereof, has been supplied to the counsel opposite.

2. The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure for grant of regular bail in the following case:-

FIR No.	Dated	Sections	Police Station
87	08.03.2022	302, 148, 149, & 34 IPC and 25 of Arms Act	Jullana, Disrict Jind

3. Arguments heard.

4. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case, he



has no concern with the allegations levelled in the FIR but is in custody since 30.05.2022. He contends that after completion of investigation, challan has already been presented in Court and conclusion thereof, will take sufficient long time. Hence, prayed for grant of regular bail to the petitioner.

5. Per contra, learned State counsel assisted by learned counsel for the complainant have opposed the bail application by referring to the reply submitted by the State and contends that there are specific allegations against the petitioner of having fired in the occurrence after taking the pistol from co-accused Pardeep, and being member of unlawful assembly armed with deadly weapons had committed the murder of Dharamender alias Gabbu. They however, contend that petitioner is specifically named in the FIR as such, he does not deserve concession of bail.

6. After considering the rival contentions and perusing the record, it is observed that on receipt of information regarding Dharamender alias Gabbu having died due to gun shoot, police party reached the spot and got recorded statement of eye witness Jai Bhagwan, cousin of the deceased who stated that his cousin Parminder alias Dola had purchased liquor vend for sale of country-made and English liquor in village Gosai Khera under this vend. About one month ago, an altercation took place between Pardeep and Parminder alias Dhola. On 07.03.2022 at about 9:30 pm while the complainant and his cousin Dharamender alias Gabbu were sitting in the office of liquor vend, Pardeep came and asked Dharamender to come outside to talk. Later on hearing noise, Parminder came outside and saw Pardeep, Sandeep, Vijay, Umed, Takdeer and Naresh were beating Dharamender and dragging him towards his house. The complainant tried to save Dharamender



but Pardeep fired from the pistol upon Dharamender. Vijay also fired upon Dharamender and on sustaining bullet injuries he fell down and assailants ran away from the spot. Dharamender @ Gabbu succumbed to the injuries on the spot. Accordingly, FIR was registered and subsequently, the accused were arrested and after completion of investigation challan was presented in Court.

7. It is evident from record that there are specific allegations against the petitioner being member of unlawful assembly and had fired in the occurrence, while co-accused Pardeep had fired shots hitting Dharamender @ Gabbu, resulting in his murder at the spot. Even the complainant while appearing in the witness box as PW-2 has categorically named the petitioner as one of the assailant who had killed his cousin Dharamender @ Gabbu. Therefore, considering the nature and gravity of the offence, no case is made out in favour of the petitioner for grant of regular bail at this stage, as a consequence, the petition is hereby dismissed.

8. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

18.03.2025

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i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No