

236

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-62365-2023 (O&M)
Date of Decision:- 04.02.2025

ANIL DHAKA

Versus

...Petitioner(s)

STATE OF HARYANA

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Sandeep, Advocate for
Mr. Kunal Dawar, Advocate for the petitioner.

Mr. Ramender Singh Chauhan, AAG Haryana.

SANJIV BERRY, J. (ORAL)

1. The instant petition has been preferred by the petitioner under Section 439 CrPC for grant of regular bail to the petitioner in the following case :-

FIR No.	Dated	Sections	Police Station
156	13.11.2020	148, 149, 302, 450, 212, 506, 120-B, 379, 411, 468 and 472 IPC; 25 of the Arms Act	Bhupani Faridabad, Haryana

2. 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 contends that the petitioner is not named in the FIR and has been nominated on the basis of disclosure statement of co-accused Krishan Pal. He further

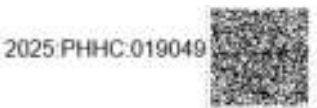


contends that all the material witnesses including the complainant have been examined and have not supported the case of the prosecution and have not identified the petitioner. He submits that the petitioner is in custody since 30.11.2020 and the conclusion of trial is likely to take sufficient long time. Hence, prayed for grant of concession of bail to the petitioner.

3. *Per contra*, learned State counsel while referring to the status report filed by the State has opposed the petition on the ground that the petitioner had actively participated in the crime by firing gunshots upon the deceased. He submits that the petitioner had conducted the recce of the deceased and a country-made pistol used in the commission of offence has been recovered from the petitioner and as per the FSL report, two of the bullets found in the body of deceased were matching with the weapon recovered from the petitioner. Hence, prayed for dismissal of the petition on the ground of gravity of offence.

4. Heard learned counsel for the parties and perused the record.

5. After considering the rival contentions and perusing the record, it transpires that as per the case of the prosecution on 13.11.2020, the complainant heard the sound of gunshots and saw that four boys were firing shots at his son namely Rocky. One of the assailants proclaimed himself to be Binnu while another was proclaiming that he is Chutia Tajpurwala and if anybody would depose against them, they would kill them as well as their family members. Thereafter, all the assailants armed with weapons ran away from the spot on two motorcycles and two cars. The complainant immediately shifted his son to the hospital with the help of Gajraj, Dinesh



and Azad, where he was declared brought dead by the doctor. Accordingly, the FIR was registered. During the course of investigation, co-accused Krishan Pal was arrested in case FIR No.207 dated 04.11.2020 registered at Police Station Tigaon, wherein he suffered disclosure statement, nominating the petitioner and accordingly the petitioner was arrested on 30.11.2020.

6. As per the status report filed by the State, the petitioner had conducted the recce at the house and office of the deceased on a motorcycle, which has been recovered from him. Furthermore, the petitioner is also stated to have fired upon the deceased with a country-made pistol and the recovery of the said weapon has also been effected from him. Moreover, as per the FSL report, two of the bullets found in the body of deceased matched with the weapon recovered from the petitioner.

7. In these circumstances, considering the serious nature and gravity of offence involved and the fact that the petitioner has actively participated in the crime resulting in death of a person, this Court finds that the petitioner is not entitled to the concession of bail. Accordingly, the present petition is dismissed.

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

(SANJIV BERRY)
JUDGE

04.02.2025
S.Sharma(syr)

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