

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-63800-2024
Reserved on: 04.02.2025
Pronounced on: 17.02.2025

Dinesh @ Kala ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Naveen Batra, Advocate
for the petitioner.

Mr. Aashish Bishnoi, D.A.G., Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
141	06.05.2011	Kalanaur, District Rohtak	148, 149, 323, 325, 302, 307, 109, 114 IPC and 25/27/54/59 of Arms Act

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.
2. Per status report filed by State counsel, the accused has massive criminal history which include two murder cases also and counsel for the petitioner does not dispute the said fact.
3. The facts and allegations are being taken from status report filed by State counsel, which reads as follows:

“2. That the brief facts of the case are that the complainant Sita Ram S/o Suraj Mal R/o Basana, P.S.-Kalanaur made a statement to the police to the effect that "I am resident of the above-said address and is presently a Sarpanch of Village Basana. That I work as Adhati in Grain Market Kalanour by taking licence in the name of Munshi Sunder. Today at about 6.00 P.M.. when I was present at my shop as my relatives namely Ram Chander, Ram Mehar, Vishnu sons of Gopi Ram, resident of Village Nigana came to sell their crops and Navin son of Bhim Singh, Bhim Singh son of Gopi Ram, resident of Village Nigana, Diwana son of Sheokran resident of Basana, Krishan son of Dharamvir, resident of Nigana were also present at the shop. In the meantime members of Gaushala Committee, Mokhra Nishu @ Naresh, Raja, resident of Mokhra, Hansi and Dharam resident of Village Mokhra came and they asked me to provide a man from my side to work in the Gaushala. On this I replied that the person given by my shop

keeper of Pandora may be taken on behalf and I gave a gunny bag (katta) of wheat to them. The Committee members said that you have become the Sarpanch of the village twice and you should give some more donation. Naresh from the Gaushala committee said that Bali Pehalwan has said that take more than Rs. 50,000/- from Sita Ram Sarpanch. told the members of the Gaushala Committee that I have to recover Rs.5,00,000/- (Rs. Five lacs) from Bali Pehalwan in lieu of my old account. Out of Rs. 5.00 lacs, you can keep Rs. 2.5 lacs and give me the remaining Rs. 2.50 lacs. On hearing this, one of the member of the Gaushala Committee called Pehalwan Bali and Pehalwan came and started abusing me and said that I will give you Rs.2.50 lacs right now. Bali Pehalwan started giving me slaps and fist blows. I ran away out of the grain market and Balli Pehalwan and his friends went to the shop of Naresh Aarhti. I called the police and came back to my shop. At around 7:00 p.m., when I was sitting at my shop with my relatives, Bali Pehalwan keeping grudge of the same again came with his 30-35 persons including Rajesh son of Dharam Singh Pawan son of Manbir, Kala son of Azad Singh, Ranbir brother of accused Balbir@ Bali, Sulad son of Ram Kishan, Mukesh son of Ram Phal Brahman, Kuldeep son of Rajpal, Satbir brother of accused Balbir Bali, Sombir, Naresh Aadhati Mokhra, Rishi and brother son of Mahabir Kalanour and other persons who were resident of Mokhra, Bindu, Hansi, Dharam, Ajit and Leela whose father's name are not known to me. Apart from them, Raja Financer, resident of Mokhra, Rajbir resident of Mokhra with common intention armed with weapons came and Bali Pehalwan who was having a revolver in his hand fired a shot at my brother-in-law Vishnu and the same hit him, then Sombir fired a shot at Vishnu and he fell down on earth there and then only. Bali @ Balbir Pehalwan said that no member of Sita Ram shall escape. Naresh and Rishi fired from their guns at Krishna son of Dharambir, Ajit, Leela, Dharam and Hans gave injuries to Ram Mehar son of Gopi, Satish and Mahabir gave injuries by lathi blows to Bhim. Nephew of Bali namely Satish from his revolver type weapon fired at Naveen son of Bhim Singh. Rajesh son of Dharam Singh, Pawan son of Manveer, Kala son of Azad Singh, Ranbir (brother of accused Balbir Bali) fired from their katta (country made pistol) at Diwan son of Sheo Karan. I was attacked by Sulad son of Ram Kishan and Mukesh son of Ram Phal Mokhra from their respective guns and I received injuries on my hand and head from the pellets of the bullet. In this incident apart from me, others also received injuries and my brother-in-law Vishnu died due to bullet injury. Others will tell about the injuries received by themselves. I can identify the accused if brought before me. The above said persons ran away from the spot with their respective weapons, We also injured them in our self defence". On the basis of said statement a case vide FIR No. 141 dated 6/5/2011 U/s 148, 149, 323, 325, 307, 302, 109, 114 IPC & 25 of Arms Act P.S.-Kalanaur was registered."

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and his family.

5. The State's counsel opposes bail.

REASONING:

6. The petitioner was earlier on bail; however, he failed to appear. Thereafter, petitioner was re-arrested on 07.03.2017 and since then he is in custody. As per custody certificate, petitioner's total custody in this case is 02 years, 11 months and 09 days.

7. As petitioner was earlier granted bail, and as such, this court is inclined to grant bail subject to some conditions.

8. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the prima facie analysis of the nature of allegations, and the other factors peculiar to this case, there would be no justifiability for further pre-trial incarceration at this stage.

9. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail. This order shall come into force from the time it is uploaded on this Court's official webpage.

CONDITIONS:

10. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

11. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

12. This order is subject to the petitioner's complying with the following terms.

13. The petitioner shall attend the Trial on every date and shall not seek single adjournment without cogent reason.

14. The concerned trial court is authorized to delete, modify, or relax any of the above conditions and shall be competent to do so in accordance with the law.

15. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

16. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the

official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

17. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

17.02.2025
Jyoti Sharma

Whether speaking/reasoned:	Yes
Whether reportable:	No.