

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

221

CRM-M-19127-2026

Date of decision: 17th April, 2026

Dharmender @ Dharma

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Vikramjeet Singh, Advocate for the petitioner.

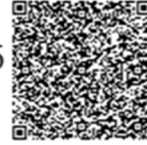
Mr. Neeraj Poswal, Assistant Advocate General, Haryana.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in case bearing FIR No. 182 dated 27.06.2024 registered under Sections 148, 149, 323, 341, 307, 506 and 120-B of IPC and Section 25 of Arms Act, 1959 (Section 325 of IPC added later on) at Police Station Sadar Dadri, District Charkhi Dadri.

2. As per the allegations, on 26.06.2024, complainant Karambir along with his companions Sahil and Sachin had gone to Dadri on his pick up vehicle and had unloaded shuttering material from his vehicle and then all three of them were going towards Fatehgarh. When they reached near village Sahawas, they were intercepted by two youths, who came riding a bike. The complainant identified one of them as Sachin @ Rot. He fired a shot towards

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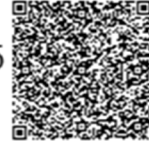


Sahil with an intent to kill him. Thereafter, the petitioner along with co-accused Ravinder Makdana, Nitin Datoli, Ramnath, Sharvan and 2-3 unknown persons also reached there. All of them were armed with weapons. They damaged the window panes of the vehicle of the complainant and made Sahil alight from the vehicle. One of them asked accused Sachin to kill Sahil to take revenge for Kala Khetan. All of them started extending beatings to Sahil with iron rods and *dandas*. The complainant and his companion Sachin concealed themselves in the nearby fields in order to save themselves. When they came out after some time, they found Sahil to be lying in an injured condition on the ground. He was taken to hospital. On the basis of the written complaint filed by the complainant, the aforementioned FIR was registered. Investigation proceedings were initiated.

3. During investigation, accused Pankaj @ Amarjit and Shivkant @ Nitin were arrested. On the basis of disclosure statement of accused Shivkant, Ajay @ Shooter, Arun @ Nada, Ankit, Diksendra Dahiya and Akash were nominated as additional accused and were arrested. The petitioner was arrested on 13.01.2025. Investigation now stands completed.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. No specific over act or injury has been attributed to him. He had no motive to open assault upon the victim. He is in custody since long. Three co-accused have been extended benefit of bail. The role attributed to him is of supplying weapon to the co-accused Ajay @ Shooter. However, there is no eye-witness to the same. No recovery has been

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effected from him. At the time of occurrence, he was lodged in custody in some other case. The trial will take considerable time to conclude. No useful purpose would be served by detaining him in custody anymore. He cannot be denied benefit of bail due to his involvement in other cases. It is, therefore, argued that the petition deserves to be allowed.

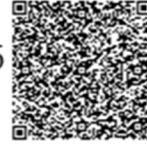
5. Notice of motion.

6. Learned State counsel has advance notice of the petition and is ready to argue the matter. He has placed on record custody certificate and has argued that the petitioner is a habitual offender being involved in several other cases. The allegations against him are grave in nature. There are chances of his absconding or committing similar offences, if extended benefit of bail. Therefore, it is stressed that the petition does not deserve to be allowed.

7. This Court has heard the rival submissions made by learned counsel for the parties at considerable length.

8. The petitioner is alleged to have formed membership of an unlawful assembly with the co-accused and in prosecution of common object of that unlawful assembly injuries were caused to the victim Sahil which have been opined to be grievous as well as simple in nature. No specific injury has been attributed to the petitioner. As per the allegations, he had supplied a firearm to the co-accused. It is only on thorough assessment of evidence to be produced during trial that any conclusion as to the authenticity can be drawn. Only 03 out of 16 prosecution witnesses have been examined so far. The trial will take considerable time to conclude. Though the petitioner is shown to be

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involved in some other cases but only on account of that fact, he cannot be denied release on bail. It is well settled proposition of law that pre-trial incarceration should not be a replica of post-conviction sentence and that bail is the rule and jail is an exception. The principle of parity also weighs in favour of the petitioner. Accordingly, the petition is allowed, and the petitioner is ordered to be admitted to bail subject to his furnishing personal as well as surety bonds to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned. However, it will be open for the prosecution to apply for cancellation of bail in case the petitioner is found involved in any other subsequent case and if it appears that it is on account of any act and conduct of the petitioner that further delay is being caused in the conclusion of the trial and further subject to his abiding by the following conditions:-

- (i) The petitioner will not tamper with evidence during trial.
- (ii) he will appear before the trial Court on each and every date fixed, unless is exempted by specific order of the Court.
- (iii) 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 from disclosing such facts to the Court or to any police officer.
- (iv) any infraction shall entail in withdrawal of the benefit granted by this court.

9. In the eventuality of breach of any of the aforementioned conditions, the respondent-State shall be at liberty to move an application

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seeking cancellation of the bail.

10. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

11. Since the main petition has already been disposed of, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

17th April, 2026

Parveen Sharma

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|-------------------------------|---|----------|
| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |