

CRM-M-24670-2024

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

CRM-M-24670-2024
Reserved on: 07.07.2025
Pronounced on: 17.07.2025

Dinesh alias Lalit

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Baljeet Beniwal, Advocate
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
117	01.05.2023	Mundkati, District Palwal	307, 34 IPC, Sections 25-54-59 of Arms Act (201 IPC added and 34 IPC deleted later on

1. The petitioner incarcerated in the FIR captioned above came before this Court under Section 439 CrPC, seeking regular bail.

2. In paragraph 11 of the bail petition, the accused declares that he has no criminal antecedents.

3. The facts and allegations are taken from the reply dated 05.07.2025, which reads as follows:

“That the brief facts of the case are that on 30.04.2023, ASI Aas Mohammad was present at the police station when MHC of the police station informed that Bijender son of Girraj, resident of Manpur, Police Station Mundkati was injured in a fight and admitted to the Government Hospital, Hodal. Upon receiving this information, ASI Aas Mohammad reached CHC Hodal, where he obtained the MLR (Medico-Legal Report) No. RC/1704/300 dated 30.04.2023 of the injured Bijender. The doctor mentioned in the MLR that the injured had a total of two injuries and advised an X-ray and orthopedic opinion. The injured was referred to GH Palwal for further treatment. Today, ASI Aas Mohammad, along with Constable Somveer 738, reached Mundkati Chowk to record the

CRM-M-24670-2024

statement, where he met Bijender, who gave an application in which he has stated that "I belong to the Jat community and am a resident of Manpur, Police Station Mundkati. I am engaged in farming and am unmarried. On 29/04/23, at around 11:00 PM, I was at my plot in my village, Manpur, arranging water. At that time, Lalit (petitioner) and Krishna both sons of Ratna, residents of Manpur arrived on a motorcycle and parked it. Lalit (petitioner) holding an illegal country-made pistol, fired directly at my back with intent to kill me. As soon as the bullet hit me, I fell to the ground. While I was lying on the ground, Krishna kicked me. Both brothers then fled the scene on their motorcycle, carrying the illegal weapon. Hearing my cries for help, my nephew Ranveer son of Inder, arrived. My family members then took me to the Government Hospital, Hodal for treatment. I was shot due to an ongoing enmity with the accused, on the basis of which present FIR No. 117 dated 01.05.2023, U/s 307, 201, 34 IPC & 25, 54, 59 Arms Act has been lodged at P.S. Mundkati which is attached with the petition as annexure P-1."

4. Petitioner's counsel submits that petitioner has been falsely implicated in the present case and he is entitled to bail on custody as well as on parity with Krishan. The petitioner's counsel further prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. The State's counsel opposes bail and refers to the reply.

6. It would be appropriate to refer to the following portions of the reply, which read as follows:

"5. That the role of the petitioner in the present case is that the petitioner shot Bijendra, who was sitting on the cot, with intention to kill him as revenge for the injuries caused to the father of the petitioner. The bullet hit Bijendra on the left side below the waist, and he fell to the ground. During the investigation of the case, the investigating agency recovered country made pistol used in the crime and one misfired round and motorcycle used in the commission of crime from the petitioner."

REASONING:

7. Petitioner's counsel by making ground of parity, submits that during trial, co-accused/Krishan whose name was kept in Column No.2 of final report, was summoned under Section 319 CrPC, vide order dated 07.02.2024 and subsequently he was granted bail on 23.02.2024 (Annexure P-2). The ground of parity is mis-conceived because in the investigation, Krishan was absolved and it was the Court who had summoned the said Krishan under Section 319 CrPC to face trial and once the Court had summoned, there

CRM-M-24670-2024

was no reason for the court to deny the bail, for the reason that in addition to summoning the accused at that stage itself, the Court should issue non-bailable warrants which was not done, which shows that Court never intended to arrest that petitioner. Needless to say that arresting a person is discretion vested under Section 319 CrPC and it is not mandatory that in every case where a person has been arraigned as accused under Section 319 CrPC, such person must be arrested if the offence is non-bailable.

8. A perusal of the bail petition and the documents attached prima facie points towards the petitioner's involvement and does not make out a case for bail. The impact of crime would not justify bail. Any further discussions will likely prejudice the petitioner; this court refrains from doing so.

9. The petitioner's custody of around 02 years cannot be termed prolonged, given the minimum sentence prescribed for the offense.

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

11. **Petition dismissed.** All pending applications, if any, are disposed of.

(ANOOP CHITKARA)
JUDGE

17.07.2025
anju rani

Whether speaking/reasoned: Yes
Whether reportable: No.