



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-47218-2025 (O&M)

Date of decision: 01.09.2025

Daya Chand @ Dealer

...Petitioner

VERSUS

State of Haryana

...Respondent(s)

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present :- Ms. Sakshi Khera, Advocate for the petitioner(s)
(through V.C.).

Ms. Chhavi Sharma, AAG Haryana.

VINOD S. BHARDWAJ, J. (Oral)

CRM-33830-2025

Application is allowed as prayed for.

Main case:

1. The instant petition has been filed under Section 483 of The Bharatiya Nagarik Suraksha Sanhita, 2023, for the grant of regular bail in FIR bearing No.93 dated 23.03.2022, registered under Sections 148, 149, 302, 307, 427, 452, 506, 120-B of the Indian Penal Code, 1860 (Sections 212 and 201 of Indian Penal Code, 1860 added later on); and Sections 25 and 27 of the Arms Act, 1860 at Police Station Sadar Palwal, District Palwal.

2. Briefly summarizing, the case of the prosecution is that FIR was registered on the statement of one Akash (brother of deceased-Yashvir) son of Rajesh, resident of Dighaut, District Palwal (Haryana), under Sections 148, 149, 302, 307, 427, 452, 506, 120-B of IPC and Section 25 and 27 of the Arms Act. As per the complainant, his family had enmity with the



accused and they had threatened to kill him and his family. On 22.03.2022, the accused along with certain unknown persons came at Nohra where the deceased was present and started firing indiscriminately. The deceased sustained multiple bullet wounds and was referred to Sarvodaya Hospital where he succumbed to his injuries during treatment. The whole incident was captured in the CCTV as well. Postmortem of the deceased was conducted and the cause of death was opined to be hemorrhage shock due to the injuries. As per the complainant, the petitioner, Rahul, Sandeep, Kailash and 3-4 other unknown persons were involved in the incident. Accused Rahul and Manoj were arrested on 29.03.2022 and the pistol used in the incident was recovered from them and on their disclosure statement accused-Kailash and Sandeep were arrested on 11.05.2022 and on their disclosure statement 02 pistols used in the incident alongwith live cartridges were recovered. On completion of the investigation, Final Report (Challan) was presented against accused-Kailash, Sandeep, Manoj and Rahul. Accused-petitioner herein Daya Chand @ Dealer was arrested on 03.06.2022 and on his disclosure statement accused-Tek Chand was arrested on 03.08.2022.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case on the disclosure statement of of co-accused. The petitioner has undergone an actual custody of more than 03 years 03 months. She submits that only 10 out of the total 36 prosecution witnesses cited have been examined and the eye-witnesses and other private witnesses have not supported the case of the prosecution. She further submits that total 15 persons have already been granted the concession of



bail and similarly placed co-accused/Kailash Dagar has also been granted the concession of regular bail by this Court vide order dated 28.07.2025 passed in CRM-M-34166-2025 titled as 'Kailash Dagar Vs. State of Haryana'. She submits that even though the petitioner is an accused in as many as 10 cases, however, he has already been acquitted in 07 cases and in the other 03 cases, he is on bail. She submits that the trial is likely to take a long time to conclude and thus prays for grant of regular bail to the petitioner.

4. Learned counsel for respondent-State, on the other hand, submits that the petitioner is involved in a large number of cases. She however is not in position to dispute the actual custody of the petitioner as well as the fact that the case of the petitioner is at par with co-accused/Kailash Dagar, who has already been granted the concession of regular bail vide order dated 28.07.2025 passed in CRM-M-34166-2025 and that out of 36 prosecution witnesses only 10 have been examined so far.

5. Having heard the learned counsel for the parties and taking into consideration the stage of trial, the total period of actual custody, the co-accused having been granted the concession of regular bail, the role the petitioner with co-accused/Kailash Dagar and bearing in mind that the witnesses did not support the case of the prosecution, I deem it fit to allow the instant petition.

6. Accordingly, the instant petition is allowed and the petitioner is ordered to be admitted to regular bail subject to him furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaqa Magistrate



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concerned.

7. It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

8. The observation made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall decide the case on the basis of available material.

(VINOD S. BHARDWAJ)
JUDGE

01.09.2025*Mangal Singh*

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No