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

CRM-M-20851-2011(O&M)

Date of Decision: 10.12.2015

RAKESH JUNEJA

.....Petitioner

Vs

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. NARESH KUMAR SANGHI

1. *Whether Reporters of local papers may be allowed to see the judgment ?*
2. *To be referred to the Reporters or not ?*
3. *Whether the judgment should be reported in the Digest?*

Present: Mr. Tanveer A. Mir, Advocate,
and Mr. Munish Behl, Advocate
for the petitioner.

Mr. Kuldeep Tiwari, Addl. A.G., Haryana.

Mr. Sukhdeep Singh Sandhu, Advocate,
for CBI.

NARESH KUMAR SANGH., J.(ORAL)

Prayer in the present petition filed under Section 439, Cr. P.C., is for grant of regular bail to the petitioner-Rakesh Juneja, who has been booked for having committed the offences punishable under Sections 120-B, 302 and 452 read with Section 34 of the Indian Penal Code, in a case arising out of FIR No. 312 dated 02.10.2010, registered at Police Station, DLF, Phase-II, Gurgaon, Haryana.

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Learned counsel would contend that Nargis Juneja, wife of petitioner was murdered by two unknown assailants on 01.12.2010 while she was present in bed-room of her house. Ms. Roza, the maid was present at the house and she reported the matter to the petitioner. The petitioner reported the matter to the police. Later, Roshan Lal Kapoor, father of Nargis Juneja (since deceased) disclosed to the police that petitioner had illicit relations with one Rozy Bhasin and Nargis Juneja (since deceased) was a hurdle in thier way and as such two persons were hired by the petitioner to commit the murder of Nargis Juneja. The petitioner was arrested on 13.03.2011 and after completion of the investigation by local police, the charge-sheet (challan) was presented. The case was committed and even the charges were framed.

During the pendency of the above trial, at the instance of Director General of Police, Haryana, the matter was further investigated by the Crime Branch, Haryana. After thorough investigation, the Crime Branch, Haryana, presented the report under Section 173 (8) Cr. P.C. before the learned trial Court stating that the petitioner was not involved in the murder of his wife, Nargis Juneja. Learned Additional Sessions Judge, Gurgaon/trial Court, rejected the supplementary police report

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presented by the Crime Branch, Haryana and proceeded with the trial. The petitioner approached this Court challenging the order of rejecting the additional reports submitted by Crime Branch, Haryana vide CRM-M-3164 of 2012 which is also pending adjudication before this Court. The petitioner had also challenged the framing of the charge against him before this court vide Criminal Revision No. 301 of 2012 and the same is also pending adjudication before this Court. It is also apposite to mention here that an application under Section 169 (2), Cr.P.C. was presented by Crime Branch, Haryana for discharge of the accused from the case and grant of bail to him. In the mean time, the petitioner moved an application for grant of bail before the learned trial Court which was dismissed and as such, the present petition has been filed.

The petitioner has approached this Court, challenging the order whereby the learned trial Court had rejected the supplementary police report and also the prayer of the Crime Branch, Haryana for discharging the accused and to release him on bail.

While dealing with CRM-M-3164 of 2012 (O&M), this Court vide order dated 03.04.2012, after noticing all the facts and circumstances of the present case, referred the matter to the Central Bureau of Investigation (CBI) for further

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investigation and also stayed the trial of the present case.

On the same day i.e. 03.04.2012, the present petition was also listed before this Court. Drawing support from the order mentioned in the preceding para, this Court granted interim bail to the petitioner.

Learned counsel contends that though the charge sheet was presented by Haryana Police for prosecution of the petitioner for the offences punishable under Section 302, IPC etc., yet at the instance of the Director General of Police, Haryana, the matter was further investigated by Crime Branch, Haryana and additional report under Section 173 (8), Cr. P.C., exonerating the petitioner, was presented before the learned trial Court. Since, this Court had also directed the CBI to further investigate the matter and after complying with the said order, CBI has also filed untraced report before the Court below on which no order has been passed, the further incarceration of the petitioner would not be of any consequence. After grant of interim bail vide order dated 03.04.2012, the petitioner has not misused the concession.

Learned State counsel as well as learned counsel representing CBI has not controverted the factual aspects narrated by the learned counsel for the petitioner. They further submit that in view of the facts that Haryana Crime Branch as

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well as CBI has further investigated the matter and failed to induct the petitioner as an accused, therefore, they have no objection if the interim direction dated 03.04.2012 passed in this petition, is made absolute.

After hearing for the parties and examining the material available on record, this Court is also of the firm opinion that the interim direction dated 03.04.2012, whereby the interim bail was granted to the petitioner can be made absolute and it is made absolute.

The petitioner shall furnish fresh bail bonds to the satisfaction of the learned trial Court so that he may appear as and when directed to do so.

(NARESH KUMAR SANGHI)
JUDGE

December 4, 2015

Suresh Kumar