

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M No. 18481-2020 (O&M)

Date of decision : 15.7.2020

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Anil @ Dhaula

.....Petitioner

vs.

State of Haryana

.....Respondent

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. S.K. Jindal, Advocate
for the petitioner.

Mr. Apoorv Garg, DAG, Haryana.

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H. S. Madaan, J.

Case taken up through video conferencing.

This second petition for regular bail has been filed by petitioner Anil @ Dhaula, an accused in FIR No. 1284 dated 8.11.2015 for offences under Sections 302, 120-B IPC and Section 25 of Arms Act, registered at Police Station Chandni Bagh, District Panipat. The first petition filed by the petitioner bearing CRM-M No. 11089 of 2018 had been dismissed by this Court vide order dated 24.5.2018.

Briefly stated, facts of the case, as per the prosecution story are that complainant Rajender Singh s/o Ram Singh r/o village Siwah, District Panipat, in the written complaint submitted by him to

the police stated that on 8.11.2015, when he went to his farm he found two cartridge shells of a gun lying in front of the room. When he entered the room, he found his brother Satender and his uncle Dalel Singh on the bed with their clothes smeared with blood and they were dead. He informed his family members telephonically. His family members and several other persons arrived at the spot, which included Satish s/o Tek Ram resident of their village, who informed that at night Satender had telephonically informed him that Pappu @ Rakesh s/o Balraj, Shila Dibri s/o Dalip Singh and Rajiv s/o Ishwar alongwith 3-4 other persons of the village were coming to shoot him. The complainant suspected Rakesh, Shila Dibra and Rajiv alongwith other persons having hatched a criminal conspiracy and committed murder of his brother Satender and uncle Dalel. On the basis of that written complaint, formal FIR was registered and the matter was investigated.

Accused Rajiv @ Rajipa, Devi Lal @ Devi, Surender @ Sundra and Sunil @ Sheela were arrested in this case and were sent up to face trial. Later on accused Rakesh @ Pampu, Anil @ Dhola, Anil @ Lila suffered disclosure statements in a case bearing FIR No. 160 dated 21.3.2016 for offences under Sections 397, 401 IPC and Section 25 of Arms Act, registered at Police Station Palam Vihar, Gurgaon, regarding their involvement in this case. Accused Amarjeet suffered a disclosure statement in case bearing FIR No. 180 dated 24.3.2016 for offence under section 25 of Arms Act, registered at Police Station Sadar, Rohtak, to the effect that he was involved in this case. Accused Rakesh @ Pampu, Anil @ Dhola (present petitioner),

Anil @ Lila and Amarjeet @ Chota were arrested in this case on the basis of disclosure statement of accused. A twin barrel gun used in the commission of offence had been got recovered by accused Surender @ Sundra in case bearing FIR No. 187 dated 14.11.2015 for offences under Sections 302, 307 IPC and Section 25 of Arms Act. From possession of Anil @ Dhola a revolver of 32 bore and from Anil @ Lila a country made pistol of 9 mm had been recovered. Such accused had demarcated the place of occurrence. The petitioner had filed application for grant of regular bail in the Court below, but the same was dismissed. The first petition filed by the petitioner bearing CRM-M No. 11089 of 2018 had been dismissed by this Court vide order dated 24.5.2018. Now the petitioner has again approached this Court seeking similar relief, which request is being opposed by the State counsel.

I have heard learned counsel for the parties besides going through the record.

The first petition had been dismissed with the following observations:

“I find that no case for grant of regular bail to the petitioners is made out. During the course of investigation, involvement of both the petitioners in this case came out to be there. As per the custody certificate filed by the State counsel, Anil @ Dhola is shown to be involved in three other criminal cases, two of them being murder cases and one under Section 398, 401 IPC. That means, he is a habitual criminal. One country made pistol had been recovered from the possession of applicant-accused Sunil @ Sheela.

As per the prosecution story, from possession of accused Anil @ Dhaula, a 32 bore revolver had been recovered. Sunil @ Sheela is also stated to have been involved in several criminal cases. The allegations against both the petitioners are quite grave and serious. There is a reasonable apprehension of their being absconding, trying to tamper with the prosecution evidence, if granted regular bail. Trial against them is going on. As stated by the State Counsel, out of 34 prosecution witnesses cited, the prosecution has already examined 23 prosecution witnesses and now the case is fixed for 31.5.2018 for remaining prosecution witnesses. In that way the prosecution is likely to conclude its evidence in near future.

Therefore, I do not see any reason to grant regular bail to the petitioners. Both the petitions are doomed for failure and are hereby dismissed.”

There has not been any change in circumstances since then, rather as pleaded by petitioner himself in para No.1 of the petition that all the material prosecution witnesses have been examined and only one formal witness remains to get his statement recorded. In that way the trial is at the fag end. The guilt of the accused shall be determined during the trial.

Thus, finding no merit in the petition, the same stands dismissed.

15.7.2020

Brij

**(H.S. Madaan)
Judge**

Whether speaking / reasoned

Yes / No

Whether reportable

Yes / No