

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

**CRM No.M-28419 of 2020 (O&M)
Date of Decision: September 30, 2020**

Dhirender alias Lalla

...Petitioner

VERSUS

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr.Shiv Kumar, Advocate,
for the petitioner.

Ms.Harpreet Kaur, AAG, Haryana
for the respondent-State.

ARCHANA PURI, J.

The matter has been taken up through video conferencing in the light of the COVID-19 pandemic.

Heard on the petition.

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.0619 dated 26.11.2019 under Section 302 IPC (Section 201 IPC added later on), registered at Police Station Sadar Ballabhgarh, Faridabad.

As per version of the prosecution, in pursuance of the telephonic information received on 26.11.2019 with regard to spotting of a dead body of a person near IMT round-about, Sotai, ASI Raj Kumar had reached the spot. Soon thereafter, Raghubir, who is complainant of the

present case, had also reached there. He identified the dead body to be that of his son Sandeep. Thereupon, Raghubir had made a complaint about having received telephonic information about murder of his son at IMT Chandawali, so he reached the spot. He suspected some unknown persons to have murdered his son. Thereafter, he had also disclosed that he had come to know that on 25.11.2019 at about 10.30 a.m., his son was dropped in a vehicle near Chandawali Ghoom Baba, whereupon, FIR was registered.

It is the claim of the prosecution that Dhirender alias Lalla-petitioner was arrested 26.11.2019 and he had got recorded his disclosure statement, on the basis whereof, he got recovered Santro car used in the crime. He had also disclosed about destroying the blood-stained clothes, which he was wearing at the time of committing the crime. Thereupon, addition of Section 201 IPC was made.

Now, it is submitted by learned counsel for the petitioner that the petitioner has been falsely involved in the present case. In fact, he has not been named in the FIR and the case is based upon circumstantial evidence. The case is improved upon by the prosecution at various levels. Even though, the challan has been presented but the trial has not yet begun and the petitioner is in custody since 26.11.2019.

In view of the aforesaid fact situation, it is too early to appraise the plea of false implication, as now raised by learned counsel for the petitioner. It is pertinent to mention that it has been pointed out by learned State counsel about there to be statement of Chaman, got recorded during the investigation, who had stated about having conversation on the mobile with the deceased, on the day of occurrence, whereby, he had informed

petitioner. Also, the complainant in his subsequent statement, has stated about the altercation having taken place between Sandeep, his son (since deceased) and accused Dhirender alias Lalla, on account of which, the petitioner was nursing grudge against the deceased. A CCTV footage is also claimed to have been taken from near the spot of the crime, in which Santro car of the petitioner is evident, near the place of crime. Now, it is submitted that the petitioner has no connection with the car in question. It is stated that the car was owned by one Tirath Ram. However, this fact can only be appraised at a later stage. Even though, challan has been presented but the trial has not begun.

Considering the same and also the various circumstances, as spelt out in the report under Section 173 Cr.P.C., it is too early to comment upon the falsity of the case qua the petitioner. As such, no ground is made out for grant of regular bail to the petitioner.

Consequently, finding no merit in the present petition, the same is dismissed.

(ARCHANA PURI)
JUDGE

September 30, 2020
Vgulati

Whether speaking/reasoned
Whether reportable

Yes
No