

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-23395 of 2022
Date of Decision:22.09.2022

Dixit @ Dikshit @ Deepak

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Surender Saini, Advocate,
for the petitioner.

Mr. Naveen Singh Panwar, DAG, Haryana

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No.594 dated 24.11.2020, under Sections 302, 346, 364, 201, 34, 120-B IPC and Section 25 of the Arms Act, registered at Police Station Kundli, District Sonapat.

It has been submitted by the learned counsel for the petitioner that the petitioner is in custody from 07.12.2020 and 15 out of 36 cited prosecution witnesses have already been examined. He submitted that the petitioner has been falsely implicated in the present case on the basis of his own disclosure statement given when he was apprehended in some other case by the Special Cell, Rohini Delhi wherein allegedly he suffered a disclosure statement admitting the present offence alongwith the other co-accused. He submitted that there are number of

discrepancies in the disclosure statement and the present case in fact was planted upon the petitioner. He further submitted that be that as it may, the petitioner has already faced incarceration for about one year and nine months and the trial of the case may take long time since 15 prosecution witnesses out of 36 have been examined and therefore the petitioner may also be considered for grant of regular bail.

On the other hand, Mr. Naveen Singh Panwar, learned DAG, Haryana has vehemently opposed the grant of bail to the petitioner and has submitted that a detailed reply has been filed by the Deputy Superintendent of Police, Rai, District Sonapat and while referring to the aforesaid reply he stated that it is a case where the son of the complainant was abducted and killed by a gang of persons by fire arm shot injuries which they had shot on the chest of his son. He submitted that although nobody has been named in the FIR but during investigation the complainant got recorded his supplementary statement therein stating that they have made efforts to trace out his son, namely Rajiv and they have come to know that on 20.11.2020 at about 11:00 p.m., 3-4 boys came in a i-20 car bearing registration No. DL-11CA-7906 from Sector A-6, Pocket No.7, Flat No.378, DDA Flats, Narela and they forcibly boarded his son namely Rajiv @ Pehlwan in the said car and abducted him with an intention to kill him. On 06.12.2020 an information was received from Special Cell, Rohini Delhi to the effect that the present petitioner was arrested in FIR No.292 dated 05.12.2020, under Section 25/27 of the Arms Act, registered at Police Station Special Cell, Rohini Delhi, wherein he suffered a disclosure statement having admitted the offence pertaining to the present case and thereafter the police officials of Special Cell, Rohini Delhi

were contacted and in pursuance of the disclosure statement of the present petitioner, the dead body/skeleton of the deceased Rajiv @ Pehlwan was recovered from Sukhi Nehar, Bawana, Delhi on the demarcation of the present petitioner namely Dixit @ Dikshit @ Deepak. The said place was also inspected and the blood stained tree trunk was also taken into possession. The burnt pieces of jeans, blood stained earth and residue and one rope lying at the spot were also taken into possession and thereafter even autopsy of the dead body/skeleton of the deceased was conducted at Dr. Baba Saheb Ambedkar Hospital, Rohini Delhi and as per the postmortem report, the deceased had suffered six firearm injuries and the cause of death was opined to have been caused by penetrating injury to head caused by the projectiles discharged through firearm and thereafter Sections 302, 201, 34, 120-B IPC and 25 of the Arms Act were invoked in the present case.

The learned State counsel while further referring to the affidavit, submitted that after this, production warrants of the petitioner and the other co-accused namely Vikas @ Kalla were got issued from the learned Court and on that date they were joined in the investigation and they suffered their respective disclosure statements and admitted their guilt. So far as the present petitioner is concerned, in his disclosure statement he disclosed that on 20.11.2020 he alongwith his companions namely Akshay @ Goli and Vikas @ Kalla hatched the conspiracy that Rajiv @ Pehlwan wanted to kill their companion and therefore Rajiv @ Pehlwan has to be murdered. Thereafter, they all gathered at Narela and boarded in a car of Akshay @ Goli and reached Kundli, Sonipat at about 10:30 p.m. and they forcibly dragged deceased in their car and drove the car and on the way, Akshay @ Goli fired gunshots in the head and chest of the deceased Rajiv in

the car itself and thereafter the petitioner also fired gunshot at deceased from his country made pistol in the car itself. Thereafter, they stopped the car and put the dead body of Rajiv in the dickey of the car and during night time, they reached village Bawana and handed over one of the pistols and three cartridges to Akshay @ Goli. Thereafter, they reached at Sukhi Nehar (dry canal) and after taking out the dead body of Rajiv and put the same near a dried tree trunk.

The learned State counsel further referred to para 8 of the affidavit and submitted that the petitioner is involved in two more cases which has been described in the aforesaid paragraph. He has opposed the grant of regular bail to the petitioner and has also stated that in view of the aforesaid facts and circumstances and in view of the gravity and seriousness of the offence and also the fact that in case the petitioner is released on bail, then he may abscond or may influence the remaining witnesses, he cannot be granted the concession of regular bail.

I have heard the learned counsel for the parties.

The allegations in the present case are indeed serious and grave. The petitioner is also stated to be involved in two more cases. Although 15 out of 36 prosecution witnesses have been examined but the apprehension expressed by the learned State counsel by giving the entire background of the case that in case the petitioner is released on bail, then he may not only abscond but even influence the witnesses cannot be ignored and does carry weight.

Therefore, without observing anything on the merits of the case, this Court does not deem it fit and proper to grant bail to the petitioner. Consequently, the present petition is dismissed.

However, anything observed hereinabove shall not be treated as an

expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

(JASGURPREET SINGH PURI)
JUDGE

September 22, 2022
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Whether speaking	:	Yes/No
Whether reportable	:	Yes/No