

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

**CRM-M-28946-2020 (O&M)**

**Date of decision : 20.09.2022**

**Dinesh @ Rajesh @ Mogli**

**Petitioner**

**Vs.**

**State of Haryana**

**...Respondent**

**CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ**

Present: Mr. J.P.Jangu, Advocate for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

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**MANOJ BAJAJ, J.**

**CRM-33243-2021**

Application is allowed as prayed for.

Annexures P-11 to P-15 are taken on record.

**Main case**

Petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail pending trial in case FIR No.3 dated 02.01.2015 registered under Sections 148, 149, 364, 302, 201 and 120-B Indian Penal Code, 1860 and Sections 25, 54 and 59 Arms Act, 1959 registered at Police Station Sadar Bahadurgarh, District Jhajjar, who is in custody since his arrest on 09.01.2015.

The allegations in the FIR as noticed by the learned Additional Sessions Judge, Jhajjar in the order dated 01.07.2020 are as under:-

*“The prosecution case in nutshell is that dead bodies of Manish, Sandeep, Sudhir and Deepak were found burnt in Toyota Etios Car bearing No. DL-8CAF-7229. Manish, Sandeep, Sudhir and Deepak who came to the office of Ravinder were murdered by Ravinder, Lalit and Dinesh by firing pistol shots. At the relevant time co-accused Pardeep @ Tota , Gopal @ Pale, Rohit @ Dhilu, Dharmender @*

*Bholu, Ashwani @ Ashu, Hemant @ monu, Jitender @ Choti, Pankaj @ Bora, Deepak @ Deepu, Virender @ Bholu, Ashok were standing outside the office of Ravinder for preventing the escape of Manish, Sandeep, Sudhir and Deepak.”*

Learned counsel for the petitioner has argued that as per the allegations in the FIR, the complainant-Narender Kumar had expressed suspicion upon five accused persons, wherein the name of the petitioner does not figure. He submits that the entire case of the prosecution is based upon circumstantial evidence and no recovery was effected from the petitioner during the investigation. According to him, not only the material witnesses have been examined by prosecution, who have not supported the case, but the other co-accused have also been released on bail. He submits that the petitioner is languishing in jail for more than seven years and the trial is yet to conclude as still approximately, 39 prosecution witnesses remain to be examined. He prays for bail.

On the other hand, the learned State counsel assisted by SI Krishan Kumar has opposed the prayer and argued that the petitioner is one of those three accused persons who had fired at the victims, namely, Manish, Sandeep, Sudhir and Deepak resulting in their death, He submits that though no recovery was effected from the petitioner, but the weapon used by the petitioner was recovered from co-accused Dharmender @ Goli and the scientific evidence shows usage of the weapon in the alleged crime. According to him, the motive was attributed to co-accused-Ravinder, but the said accused has expired and except for the petitioner and co-accused Lalit, rest of the accused are on bail. It is also not disputed by the learned State counsel that weapon used in the crime was recovered from co-accused-Dharmender, who

has already been released on bail.

After hearing learned counsel for the parties and considering the above background as well as the custody of the petitioner, this Court is of the opinion that the conclusion of trial is likely to consume considerable time, as 39 prosecution witnesses still remain to be examined, therefore, further detention of the petitioner may not serve any useful purpose, who is presently confined in judicial custody after his arrest on 09.01.2015.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

The petition is allowed.

(MANOJ BAJAJ)  
JUDGE

20.09.2022

vanita

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|-----------------------------|-----|----|
| Whether speaking/reasoned : | Yes | No |
| Whether Reportable :        | Yes | No |