

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

**CRM No.M-51028 of 2021 (O&M)
Date of Decision: September 14, 2022**

Dhirender alias Lalla

...Petitioner

VERSUS

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr.Kunal Dawar, Advocate,
for the petitioner.

Ms.Ambika Luthra, Addl. Advocate General, Haryana
for the respondent-State.

ARCHANA PURI, J.

Heard on the petition.

This is the third petition under Section 439 Cr.P.C. filed by the petitioner for grant of regular bail in case FIR No.0619 dated 26.11.2019 under Sections 302 and 201 IPC, 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, 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 p.m., his son was dropped in a vehicle near Chandawali Ghoom Baba, whereupon, FIR was registered.

It is further 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.

Earlier, the petitioner had filed petition for grant of bail, which was dismissed by this Court on 30.09.2020, as at that stage, no witness of the prosecution, had been examined and vis-a-vis, assertion of falsity of the case, as submitted on behalf of the petitioner, it was observed that it is too early to comment upon the same. Thereafter, another petition was filed for grant of bail, which was dismissed as withdrawn on 06.04.2021. The present petition is the third petition seeking regular bail.

It is submitted by learned counsel for the petitioner that in the case in hand, FIR had been lodged against the unknown persons, at the first instance and the case is based upon the circumstantial evidence, which is a broken chain. It is further submitted that after registration of the FIR, statement of one Chaman s/o Tejpal, under Section 161 Cr.P.C. was recorded, to the effect that the deceased Sandeep had called him on 25.11.2019 at 10.08 p.m. and told him that he is with the petitioner, which is

complainant was also recorded on that very day, with the suspicion based against the petitioner. It is submitted that the petitioner was then arrested in the case on 26.11.2019 and his disclosure statement was recorded, thereby, showing the recovery of Santro Car. However, this car has no connection with the crime.

It is also submitted that even though, challan has been presented on 18.02.2020 and charge has been framed on 21.10.2020, but till date, only two witnesses have been examined. Thus, the conclusion of the trial is likely to take time. As such, a prayer has been made for grant of regular bail to the petitioner.

On the other hand, learned State counsel has resisted the claim for bail. She submits that trial is at initial stage. Even though, two material witnesses have been examined but still other witnesses are yet to be examined.

Perusal of the status report, which has been placed on record by learned State counsel, reveals that in the case in hand, challan was presented in the Court on **19.02.2020** and charge was framed on **21.10.2020**. In total, there are 29 witnesses, out of which, only two witnesses i.e. PW-1 Mukesh and PW-2 Chaman have been examined, so far. Also, it is stated that complainant Raghubir, at whose instance, the proceedings were initiated, has died during the pendency of the trial.

FIR in the case in hand was got lodged against unknown persons. It was, in pursuance of the statement got recorded by one Chaman that involvement of the petitioner was stated to be there and hence, his arrest was effected on 26.11.2019. Said Chaman, the material witness of the prosecution, has since been examined by the trial Court.

Submission has been made with regard to the merits of this statement as well as testimony of PW-1 Mukesh, to substantiate the plea that there is broken chain of circumstantial evidence. At this stage, it shall not be appropriate for this Court to minutely appraise the statements of Mukesh and Chaman, the material witnesses, so examined. However, suffice to consider that trial is proceeding at snail's pace. The petitioner is in custody since 26.11.2019. As such, the conclusion of the trial is likely to take time. The material witnesses have been examined by the prosecution and the complainant has since died.

Considering the aforesaid circumstances, the present petition is hereby allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

(ARCHANA PURI)
JUDGE

September 14, 2022
Vgulati

Whether speaking/reasoned
Whether reportable

Yes
No