

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CRM-M-10011 of 2022(O&M)  
Date of Decision: 14.03.2023

**Dhananjay Kumar**

...Petitioner

**Versus**

**State of Haryana**

...Respondent

**CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH**

**Present:- Mr. Rahul Gautam, Advocate  
For the petitioner.**

**Mr. Naveen Sheoran, DAG Haryana.**

**Mr. R.S. Dhull, Advocate  
For SI Deepak Kumar.**

**Mr. Sunil Ranga, Advocate  
For the complainant.**

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**KARAMJIT SINGH, J.**

The present petition has been filed by the petitioner under Section 438 Cr.P.C. seeking anticipatory bail in case having FIR No. 366 dated 08.10.2021, registered under Sections 302, 120-B, 34, 212 and 201 IPC and Sections 25, 27(1), 29-B of Arms Act at Police Station Rajendra Park, Gurugram.

The allegations in nutshell are that at the time of occurrence Nitesh, Pankhil, Rahul and Himani stopped Vaneet and started quarreling with him. On this, complainant Harsh son of Satpal, Brahmjit and Harsh Shokeen tried to stop them from quarreling on which Nitesh caught Vaneet from behind and Pankhil fired from firearm and said shot hit in the abdomen of Vaneet and in the meantime the aforesaid accused persons fled away from

there while injured Vaneet was taken to SGT Hospital where he died. During investigation Nitesh, Pankhil, Rahul and Himani were arrested. The petitioner is father of aforesaid Nitesh and Pankhil and there are allegations that during investigation both the said accused disclosed that their father i.e. petitioner Dhananjay Kumar gave them Rs.50,000/- for the purchase of firearm which was used in the commission of crime and the petitioner conspired with his sons and other accused to murder Vaneet.

The counsel for the petitioner submits that the petitioner has been falsely implicated in this case at the instance of the police. It is further submitted that during investigation Nitesh and Pankhil sons of the petitioner were arrested by the police and after completion of investigation the police presented the challan against both of them as well as Himani and Rahul and during trial complainant and other material witnesses have not supported the case of the prosecution. The counsel for the petitioner further submits that petitioner has already joined the investigation with the police, three times. So, prayer is made that present petition be allowed.

The State counsel on instructions from SI Vivek Kumar submits that the petitioner has joined the investigation with the police on three occasions. The State counsel has further apprised the Court that presently Nitesh, Pankhil, Rahul and Himani are facing trial and during trial complainant and other eye witnesses namely Brahmjit, Harsh son of Vinod, Abhishek and Rohit are declared hostile.

I have considered the submissions made by counsel for the parties.

Admittedly, the petitioner was not named in the FIR and has been nominated as accused only on the basis of alleged disclosure made by his sons Nitesh and Pankhil who are presently facing trial. As has been admitted by the State counsel, during trial the material witnesses namely complainant Harsh son of Satpal, Brahmjit, Harsh son of Vinod, Rohit and Abhishek have resiled from their previous statements and not supported the case of the prosecution. Further, the petitioner has already joined the investigation with the police, three times. In the given circumstances, no purpose is going to be served even if the petitioner is subjected to custodial interrogation at this point of time.

Thus, without commenting on the merits of the case present petition is allowed and order of interim bail dated 16.03.2022 is hereby made absolute, subject to the conditions as envisaged under Section 438(2) Cr.P.C.

14.03.2023  
Jiten

(KARAMJIT SINGH )  
JUDGE

**Whether speaking/reasoned : Yes/No**  
**Whether reportable : Yes/No**