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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-19739-2023 (O&M)
Date of Decision: 11.12.2023

RAJVEER DHAWAN ALIAS LOVELY

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Ms. Monita Mehta, Advocate
for the petitioner.

Mr. Harkanwar Jeet Singh, Asstt. A.G., Punjab.

JASJIT SINGH BEDI, J.

This 2nd petition under Section 439 Cr.P.C. is for the grant of regular bail in case bearing FIR No.15 dated 17.03.2020 (Annexure P-1) registered under Sections 302, 120-B, 201/34 IPC at Police Station Mehtiana, District Hoshiarpur.

2. The present FIR came to be registered on the statement of Karanjit Singh who stated that on 17.03.2020 while he was going to his petrol pump at Mehtiana, he found the body of a lady who appeared to have been murdered after having been inflicted injuries on her person with sharp edged weapons. It appeared that she had been murdered by unknown.

During the course of investigation and the examination of CCTV cameras installed at the Supreme Filling Station, Mehtiana, it was found that a car bearing No.PB-10-AG-6099 was moving around the place of occurrence. On investigation, it transpired that this car had been purchased by Shiv Kumar son of Lakshman Dass who was joined in the investigation. He

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disclosed that on 16.03.2020, Jatinder Kumar @ Beeka son of Ashok Kumar and Tarun Kanojia @ Tatia had borrowed this car for their personal work and had returned the same on 17.03.2020. The car was taken into possession.

On 23.03.2020, Rajwinder Kaur D/o Avtar Singh and Dinesh Singh son of Avtar Singh were joined in the investigation and disclosed that the deceased was their sister and had been married to petitioner-Rajveer Dhawan @ Lovely. Rajwinder Kaur disclosed that on 16.03.2020, she had met the deceased Manpreet Kaur who had told her (Rajwinder Kaur) that she was going to Hoshiarpur to take money from the petitioner along with accused Jatinder Singh @ Beeka and Tarun Kanojia @ Tatia, friends of the petitioner. Thereafter, she had seen the deceased in the said car along with the co-accused of the petitioner. Therefore, it was apparent that the deceased had been murdered by her husband in connivance with the other two accused.

The statement of Rajeev Kumar son of Piara Lal was recorded to the effect that accused Jatinder Kumar @ Beeka had made an extra-judicial confession to him (Rajeev Kumar) that he (Jatinder Kumar @ Beeka) and Tarun Kanojia @ Tatia had murdered Manpreet Kaur wife of the petitioner-Rajveer Dhawan @ Lovely after taking money from him (petitioner).

All the three accused including the petitioner were arrested on 27.03.2020. Tarun Kanojia @ Tatia and Jatinder Kumar @ Beeka suffered confessional statements that they had killed Manpreet Kaur in connivance with the petitioner. Jatinder Kumar @ Beeka recovered a Dattar.

The report under Section 173(2) Cr.P.C. presented against the accused.

3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case which is primarily based on confessional statements of the accused recorded after they were arrested. PW1-Rajeev Kumar before whom Jatinder Kumar @ Beeka, co-accused had allegedly suffered a confessional statement has not supported the case of the prosecution and has turned hostile. PW5, the Manager of PNB, Daryua, District Hoshiarpur brought on record the bank statement of the petitioner as per which there was no transaction between 14.03.2020 and 17.12.2020 which would show that the petitioner had not paid any money to the two accused to commit the offence in question. PW6-Rajwinder Kaur who is the sister of the deceased has only seen two co-accused namely, Jatinder Kumar @ Beeka and Tarun Kanojia @ Tatia in the company of the deceased. So far as the petitioner is concerned, he has not been 'last seen' in the company of the deceased. Therefore, there were material change in circumstances from the time the first bail application was dismissed on 13.10.2021. As the petitioner was a first-time offender, in custody since 27.03.2020 and only 16 of the 31 prosecution witnesses had been examined so far, he was entitled to the concession of bail.

4. On the other hand, the learned State counsel contends that the evidence on record is sufficient to establish the guilt of the petitioner. As per the prosecution case, the deceased was demanding Rs.5,00,000/- and if the said amount was not paid, she threatened to commit suicide and implicate the family members of the petitioner. This was the motive for the petitioner to have hired the other two accused to murder his wife. The first bail application of the petitioner had been dismissed vide a detailed order dated 13.10.2021

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passed in CRM-M-3519-2021. The evidentiary value of the statements recorded till date would be appreciated at the final stage and not at the stage of adjudication of the present bail petition. As 16 of the 31 prosecution witnesses already stood examined, the Trial of the present case was going to be concluded shortly and therefore, the petitioner was not entitled to the concession of bail. He, however, concedes that some material witnesses had turned hostile as also the fact that the petitioner was a first time offender and in custody since 27.03.2020.

5. I have heard the learned counsel for both the parties at length.

6. One of the material witnesses has not supported the prosecution case and has turned hostile. Therefore, there are material change in circumstances from the time the first bail application was dismissed. Whether the remaining evidence was sufficient to affix the guilt of the petitioner shall be adjudicated upon during the course of Trial. The petitioner is stated to be a first-time offender, in custody since 27.03.2020 and only 16 of the 31 prosecution witnesses have been examined so far. Therefore, the Trial of the present case is not likely to be concluded anytime soon. In this situation, his further incarceration is not required.

8. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Rajveer Dhawan @ Lovely son of Subash Chander is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

9. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the Trial and inform in

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writing each time that he is not involved in any other crime other than the present case.

10. If the petitioner or his family members/associates make any attempt to contact/threaten/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted vide this order.

11. In addition, the petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.2,00,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from the trial without sufficient cause.

12. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

11.12.2023

JITESH

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