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2023:PHHC:164298

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Date of decision : 17.04.2023

1. CRM-M-35761-2021

Annu Dhawan

...Petitioner

Vs.

State of Haryana

...Respondent

2. CRM-M-40106-2021

Vinit Saxena

...Petitioner

Vs.

State of Haryana

...Respondent

CORAM: HON’BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. Arjun Atri, Advocate
for the petitioner in CRM-M-40106-2021.

None for the petitioner in CRM-M-35761-2021.

Mr. Bhupender Singh, DAG, Haryana.

DEEPAK MANCHANDA, J.

Petitioners have filed these separate petitions under Section 439 Cr.P.C. for grant of regular bail in case FIR No. 50 dated 28.01.2021 under Sections 302 and 201 Indian Penal Code, 1860 (Sections 148, 149 and 120-B IPC added later on) registered at Police Station Dabua, District Faridabad (Haryana).

There is no representation on behalf of the petitioner in CRM-M-35761-2021.

Learned counsel for the petitioner contends that the petitioner-Vinit Saxena has been falsely implicated in the present case and even he is not named in the FIR. He submits that petitioner has been apprehended on the basis of disclosure statement suffered by co-accused Annu Dhawan. He further submits that one co-accused, namely, Deepak has already been granted the concession of regular bail vide order dated 06.05.2021 by the Session's Court itself, but the same has been denied to the petitioner. It is submitted that trial is progressing at a slow pace as only 03 prosecution witness have been examined so far out of total 40 witnesses and conclusion of trial will take considerable time to conclude, therefore, the petitioner prays to be enlarged on bail.

In the petition moved by petitioner -Annu Dhawan, it is averred that petitioner, who is wife of deceased -Dinesh Dhawan is in custody since 02.02.2021 and has been falsely implicated in the present case. It is further averred that petitioner has not been attributed any role in the alleged incident and the case of the prosecution is based upon circumstantial evidence, therefore, her further custody may not be necessary.

Custody certificate filed by the respondent-State is taken on record.

On the other hand, learned State counsel opposes the prayer of the petitioner for grant of regular bail and has invited the attention of the Court to the status report filed by way of an affidavit of Sukhbir Singh, HPS, Assistant Commissioner of Police, Badkhal, Faidabad along with disclosure statement of the petitioner-Annu Dhawan, which is annexed as R-1. He further submits that the offence is serious in nature and the petitioners actively participated in the crime, therefore, they do not deserve the concession of regular bail and prays

for dismissal of the petitions. On instructions, he further submits that the out of total 40 prosecution witnesses, 20 witnesses have already been examined.

I have heard learned counsel for the parties.

After hearing learned counsel for the parties and considering the above background, this Court finds that as per prosecution, petitioners accompanied by other accused, had attacked the victim-Dinesh Dhawan, who died on the spot. Apart from it, in the disclosure statement of Annu Dhawan, she admits the occurrence and murder of her husband and other accused were also named by her, who allegedly participated in the crime. Further, the role of the petitioner-Vinit Saxena is distinguishable from the other co-accused, namely, Deepak, who was implicated under Section 201 IPC, but the petitioner-Vinit Saxena committed the crime and he also admits in his disclosure statement that he committed the crime for the sake of money.

Resultantly, without meaning any expression and opinion on the merits of the case, both petitions are dismissed.

(DEEPAK MANCHANDA)
JUDGE

17.04.2023
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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No