

CRM-M-49375-2023

1

202

2023:PHHC:161298

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

CRM-M-49375-2023

Date of decision : 15.12.2023

Vinit Saxena

...Petitioner

Vs.

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. Arjun Atri, Advocate
for the petitioner.

Mr. Aditya Pal Singla, AAG, Haryana.

DEEPAK MANCHANDA, J.

Through this second petition, the petitioner has prayed for grant of regular bail under Section 439 Cr.P.C. 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, first such petition bearing CRM-M-40106-2021 was dismissed vide order dated 17.04.2023.

Learned counsel for the petitioner contends that the petitioner, who is in custody since 02.02.2021 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 and the alleged incident occurred in the house of Annu Dhawan itself. He further argued 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 further contended by learned counsel that after presentation of challan, charges were framed on 25.10.2021 and out of total 40 witnesses, 33 witnesses have been examined. Learned counsel further contends that conclusion of trial will take considerable time to conclude, therefore, the petitioner prays to be enlarged on bail.

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 Mahesh Kumar, HPS, Assistant Commissioner of Police, NIT, Faidabad along with disclosure statement of the petitioner, which is annexed as R-1. He further submits that the offence is serious in nature and the petitioner actively participated in the crime, therefore, he does not deserve the concession of regular bail and prays for dismissal of the petition. On instructions, he further submits that the out of total 40 prosecution witnesses, 33 witnesses have already been examined.

I have heard learned counsel for the parties.

As per the prosecution, the petitioner along with his co-accused was involved in the murder of Dinesh Dhawan (deceased) and the role of the present petitioner is distinguishable from the other co-accused, namely, Deepak, who was implicated under Section 201 IPC, but the petitioner committed the crime and he also admits in his disclosure statement that he committed the crime for the sake of money. Moreover, the trial is also at the fag end as out of total 40 prosecution witnesses, 33 witnesses have already

examined and only seven witnesses remain.

Considering the above background & the nature of the offences and the fact that there is no change in the circumstances, this Court is not inclined to grant the concession of regular bail to the petitioner.

Accordingly, the present bail petition is hereby dismissed, however, the trial Court is directed to conclude the trial expeditiously.

(DEEPAK MANCHANDA)
JUDGE

15.12.2023
vanita

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