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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.14043 of 2024
Date of decision: 22.03.2024

Dinesh Thakran

..... Petitioner

versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Punit Malik, Advocate
for the petitioner.

Mr. Rajneesh Chadwal, AAG, Haryana.

RAJESH BHARDWAJ J.

This is the fifth petition filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.130, dated 12.07.2012, under Sections 302, 34, 452 IPC, 25 of Arms Act, 1959 but later on challan was presented under Sections 302, 307, 452, 120-B of IPC, 1860 and Section 25 of Arms Act, 1959, registered at Police Station Pataudi, Gurugram.

Adumbrated facts of the case are that the present FIR was registered on the statement of Suresh Kumar. It was alleged that his nephew Amit son of Satbir had given Rs.20,00,000/- to Ashu and thus, his nephew Amit used to ask for his money from Ashu. On account of the same, there arose a dispute of his nephew with Ajay, Rana Partap, Rajesh, Dinesh (petitioner), Anand and Raj Kumar. All these accused persons

used to keep a grudge against nephew, Amit. On 11.07.2012 at about 10 p.m. complainant's nephew Amit and his friends, namely Mahinder @ Takla and Anil were sleeping in the old house of Mahinder @ Takla and he was sleeping in his house which was nearby. He heard the gun shots and rushed towards the house. He found his nephew Amit having been shot in his head and Mahinder @ Takla was shot in the chest. Both of them were found lying dead. It was apprehended that the accused as mentioned had committed the murder of his nephew and request was made to take legal action. On registration of the FIR, the investigation commenced and in all total 09 accused were named in the FIR. 08 accused were arrested, however the petitioner was declared proclaimed offender on 09.05.2015. In the trial commenced against 08 co-accused, 03 were convicted by the trial Court, however 05 were acquitted. However the petitioner having been declared proclaimed offender, he could not be tried after his arrest. Thereafter, the petitioner surrendered before the trial Court on 24.01.2023 and he was taken in the judicial custody. Thus, the trial against him commenced.

It has been submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in this case. He submits that the petitioner was not named in the FIR and was arrested later on on the basis of disclosure statement of co-accused. He submits that the petitioner was granted regular bail by this Court vide order dated 25.01.2019. However the petitioner being an alcoholic was admitted in De-addiction Centre from 06.02.2022, therefore, he did not appear before the trial Court. He submits that notice regarding the proclamation of the petitioner

was not served upon the petitioner. He has submitted that co-accused have been tried and out of them five were acquitted, thus, the petitioner deserves to be granted bail.

However, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner. He has submitted that the petitioner intentionally avoided his arrest and thus, he could not be arrested. He submits that out of 09 accused, the trial against 08 of the accused is already over. He submits that out of them, 03 were convicted by the trial Court and 05 were acquitted. He submits that in the ongoing trial against the petitioner, out of total 44 prosecution witnesses, 34 have already been examined and thus, the trial is virtually at the fag end. He has submitted that in the overall facts and circumstances, the petitioner does not deserve the concession of bail.

Heard.

On hearing learned counsel for the parties and perusing the record, it is apparent that occurrence in the present case had taken place in 2012. In all there were 9 accused and out of them, the trial is already over *qua* 8 co-accused. However, the petitioner was declared proclaimed offender as he remained at large. However the petitioner later on surrendered on 24.01.2023. The custody certificate produced by the State would show that the petitioner is behind bars from the last about 01 year, 10 months and 14 days. As submitted by the learned State counsel, out of 44, 34 prosecution witnesses have already been examined.

Keeping in view the conduct of the petitioner and overall facts and circumstances of the case, this Court is not inclined to grant bail to the petitioner and hence, his prayer for the same is rejected. However, the learned trial Court is requested to expedite the trial and conclude the same in accordance with law expeditiously.

The present petition stands dismissed.

(RAJESH BHARDWAJ)
JUDGE

22.03.2024
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No