

2024:PHHC:116968



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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M No. 28170 of 2024 (O&M)
Date of Decision: 06.09.2024

Sandeep Dhankar alias Gola

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Ravinder Malik (Ravi), Advocate
for the petitioner.

Mr. Shivendra Swaroop, Deputy Advocate General, Haryana
for the respondent.

HARKESH MANUJA, J. (ORAL)

CRM-35909-2024

Application is **allowed**, as prayed for, subject to all just exceptions. True translated copy of FIR No. 345, dated 29.06.2021 and statement dated 29.06.2021 of Sudesh wife of Inderjeet-deceased, are taken on record as Annexures A-1 & A-2 respectively.

Registry to do the needful.

MAIN CASE

The petitioner, by way of present (second) petition filed under Section 439 Cr.P.C., seeks grant of regular bail pending trial in case bearing FIR No. 345, dated 29.06.2021, under Sections 201 & 302 of IPC (Sections 212 & 34 of IPC added later on), registered at Police Station

Shivaji Colony, District Rohtak, wherein he has been implicated with the allegations of having murdered one Inderjeet (deceased), who was working with him. Statement made by the wife of deceased, namely, Sudesh, taken from the translated copy annexed with CRM-35909-2024, is re-produced hereunder:-

“ I am resident of above mentioned address, I was married to Inderjeet 16 years back. My husband Inderjeet is working as Dental Mechanic with the Dental College Rohtak. Many Dental Mechanics are posted in Dental College. On account of being senior the promotion of my husband was due. Therefore, the other Dental Mechanics namely Sandeep Dhankhar, Saroj, Chhikara, Saroj, Deepa, Komal, Tarun, Ramphal and Ravinder are not allowing his promotion. They all were having grudge and used to say that if you are promoted then we will consume poison and kill you and used to argue daily. Sandeep Dhankhar always used to tease and his associates also used to support Sandeep in this regard. About one and half years back, two persons of Sandeep came to house and threatened to make him (Inderjeet) understand otherwise would kill him. They used to threaten my husband Inderjeet as to either leave the promotion else would kill him. My husband used to say occasionally if anything happens to him then Sandeep and his Associates would be responsible for the same. On 28.06.2021 i.e. Monday my husband came back to house at 05.00 PM from duty and he was in tension. I asked as to what happen then he told that it is related to office. At about 7:30/08:00 PM, 3/4 calls were received on his phone. He was in bathroom and when come outside, then the phone bell rang. Phone bell rang on the mobile phone number of my husband 94665-48250, which he picked and started talking. Then I heard the voice of Inderjeet. I am coming and I have not done anything. Then again voice

was heard in which there was talking about killing that they will hit me with 2-4 dandas and I am coming there. Inderjeet went from the house by telling me that he is going to meet Sandeep Dhankhar and after disconnecting the phone he went from the house on Suzuki Scooty, Silver Colour bearing No. HR-12AK- 4645. When he did not come back till late night then I call on his mobile phone but his phone was switched off. In the morning I enquired everywhere from my known but did not find anywhere. In the Tuesday Evening, I hired an Auto to file a report in Shivaji Colony Police Station. While going in the auto, the driver of the auto told me that one dead body has been received in the area of the Police Station Shivaji Colony and the same has not been identified. You first see the dead body. Then I along with my nephew reached the Police Station where the SHO has shown me the photo. I identified the photo to be that of my husband Inderjeet. My husband Inderjeet has been killed by Sandeep Dhankhar, Chhikara, Saroj, Karamjeet, Deepa, Komal, Tarun, Ravinder, Ramphal, Sunita on account of grudge regarding promotion. I also apprehend threat to my life from these persons. Legal action be taken against them.

*-Sd-
Sudesh W/o Inderjeet
Mob. No. 96717-64811
29.06.2021 ”*

[2] Learned counsel for the petitioner submits that the co-accused, namely, Vishal @ Sunny and Sagar have already been granted the concession of regular bail by this Court vide orders dated 12.02.2024 & 14.03.2024 respectively; the petitioner is in custody since 23.06.2021 and the conclusion of trial will take long time; thus, prayer is for grant of regular bail to the petitioner.

[3] On the other hand, learned State Counsel vehemently opposes the prayer for grant of regular bail to the petitioner, while submitting that recovery of *parna* was effected from the petitioner, besides the proof of CDR on the fateful day, i.e. 28.06.2021 and there was exchange of mobile calls between the deceased and the petitioner and thus, he was directly connected with the offences in hand.

[4] I have heard learned counsel for the parties and gone through the paper-book. I find substance in the submissions made on behalf of the petitioner.

[5] In the present case, investigation already stands concluded with the filing of challan, followed by framing of charges; the petitioner is behind the bars since 23.06.2021, i.e. for the past more than three years and two months and out of 41 prosecution witnesses, only five have been examined so far; thus the conclusion of trial may take some time; besides it, two co-accused, namely, Vishal @ Sunny and Sagar, have already been granted the concession of regular bail by this Court vide orders dated 12.02.2024 & 14.03.2024 passed in respective CRM-M-49281-2022 & CRM-M-36940-2023. The present is a case of circumstantial evidence as there is no direct eye-witness to the incident; in such circumstances, merely based on the CDR details, which are yet to be proved during the trial, I do not find justification to extend the incarceration of the petitioner any further.

[6] In view of the above, but without commenting upon merits of the present petition, the same is allowed. The petitioner is ordered to be

released on bail subject to his furnishing adequate bail bonds / surety bonds to the satisfaction of the Trial Court/Illaqa Magistrate/Duty Magistrate concerned.

[7] It is made clear that this order may not be construed as an expression of opinion on the merits of the case.

[8] Pending miscellaneous application(s), if any, shall also disposed off.

September 06, 2024
'dk kamra'

(HARKESH MANUJA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No