



CRM-M-44770-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-44770-2024

Date of Decision: 29.10.2024

Rahul Saini

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

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

Mr. Deepak Thukral, Addl. A.G. Haryana and
Mr. Gaurav Bansal, DAG Haryana

KIRTI SINGH, J.(Oral)

The jurisdiction of this Court under Section 439 Cr.P.C. has been invoked for grant of regular bail to the petitioner in case FIR No.317 dated 25.07.2021, under Sections 302, 201 IPC (Section 323 IPC added later on) registered at Police Station Sector 5, Gurugram, District Gurugram, Haryana.

2. The facts in brief are that a dead body was found near public toilet in Dayanand Colony, Gurugram. FIR was registered against unknown persons and during investigation the police arrested three accused namely Vikas @ Bua, Rohit Kumar and Rahul Saini @ Rocky mental based on the basis of secret information.

3. Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in the present case and he has not been named in the

FIR. The petitioner was arrested on 01.08.2021 and since then he is in judicial



custody. Learned counsel further submits that there are two more cases registered against the petitioner, however, he is on bail in both cases.

4. Per contra, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner. Wife of the deceased identified the petitioner in the test identification parade. As per the custody certificate, the petitioner has undergone actual custody of 03 years, 02 months and 27 days and there are two more cases registered against him in which he is on bail. Learned State counsel on instructions submits that the charges in the present case were framed on 12.03.2022 and out of 29 prosecution witnesses, 17 prosecution witnesses have been examined.

5. Heard the rival submissions made by learned counsel for the parties.

6. The petitioner has undergone actual custody of 03 years, 02 months and 27 days. There are serious allegations levelled against the petitioner. Moreover, the trial is nearby conclusion as out of 29 prosecution witnesses, 17 prosecution witnesses have been examined.

7. Having regard to overall circumstances as noted above, but without commenting anything further on merits of the case, this Court is not inclined to grant regular bail to the petitioner.

8. The trial Court is directed to conclude the trial expeditiously.

8. The petition is dismissed.

29.10.2024
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(KIRTI SINGH)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No