

2025:PHHC:029105



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

237

**CRM M-5072 of 2025
Date of Decision: 24.02.2025**

Dinesh Kumar @ Gona

Petitioner

Vs.

State of Punjab

Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Manjinder Singh Saini, Advocate
for the petitioner.
Mr. M.S. Bajwa, DAG, Punjab.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the instant petition under Section 483 of B.N.S.S. with a prayer to grant a regular bail in case FIR No.0167 dated 28.07.2013 registered under Sections 302, 148 and 149 of IPC and Sections 25/27/54/59 of Arms Act, Police Station City Kapurthala, District Kapurthala.

2. Learned counsel for the petitioner contends that the petitioner had earlier filed two petitions for grant of bail, however, the prayer was declined by this Court. He contends that the petitioner was not named in the FIR initially and on the basis of the supplementary statement made by the complainant on 16.08.2013, he was involved in the present case. The petitioner was declared as proclaimed offender on 07.02.2015 in the present case. However, he was again

arrested in the present case on 11.12.2020 and keeping in view his long custody, he is entitled to be released on bail by this Court.

3. On the other hand, learned State counsel has vehemently opposed the submissions made by the petitioner on the ground that the petitioner is a hardened criminal and the trial is at the fag end and is likely to be concluded in near future. Even otherwise, this Court had rejected the bail application of the petitioner by passing a detailed order dated 02.02.2024 (Annexure P-4). Thus, the present petition deserves to be dismissed by this Court.

4. I have heard learned counsel for the parties and perused the record.

5. The petitioner had earlier moved two petitions for grant of bail. However, the petition was ordered to be dismissed. While dismissing the second petition for grant of bail, this Court had passed a detailed order and the relevant extract has been reproduced below:-

“5. Learned State counsel submits that it is a case of double murder and the petitioner had actively participated in the commission of the crime with the other co-accused. Learned counsel further submits that the petitioner and other co-accused had hatched a conspiracy and got two persons eliminated, i.e., Manoj Kumar alias Deepa and Vijay Kumar, i.e., brother and father of the complainant. Learned State counsel further submits that besides present case, the petitioner is also accused in the following cases:-

“(1) FIR No. 166 dated 03.10.2006 under Sections 326, 324, 148 and 149 of IPC, Police Station Adampur, District Jalandhar.

(2). FIR No. 86 dated 16.05.2012 under Sections 25/54/59 Arms Act, Police Station Adampur, District Jalandhar.

(3). FIR No. 166 dated 21.09.2019 under Sections 336/160 IPC and 25/27 Arms Act, Police Station Adampur, District Jalandhar.

(4). FIR No. 146 dated 31.12.2008 under Sections 323, 341, 324, 148 and 149 IPC, Police Station Bhogpur, District Jalandhar.

(5). FIR No. 140 dated 27.11.2012, under Sections 302, 323, 324, 307, 148, 149 and 120-B IPC, Police Station Bhogpur, District Jalandhar.

(6). FIR No. 46 dated 02.04.2013 under Sections 307, 148, 149 IPC and 25/54/59 Arms Act, Police Station Adampur, District Jalandhar. (7).

FIR No. 40 dated 26.02.2014 under Sections 302, 307, 324, 148, 149 and 120-B IPC and 25/27/54/49 of Arms Act, Police Station Basti Bawa Khel, Jalandhar”.

6. Still further, the petitioner was declared as a proclaimed offender on 07.02.2015 and could be arrested in the present case on 11.12.2020. He further contends that in case the petitioner, who is a hardened criminal is granted the concession of bail by this Court, he may abscond from the process of law.

7. I have heard the learned counsel for the parties and perused the record.

8. From the record, it is apparent that the petitioner had hatched a conspiracy with other accused and in pursuance to the said conspiracy two persons, namely, i.e., Manoj Kumar alias Deepa and Vijay Kumar, brother and father of the petitioner were killed brutally and in an inhuman manner. Apart from the present case, the petitioner is facing charge in other murder cases as well. The police has found sufficient incriminating evidence against the present petitioner and, in case, he is granted the concession of bail, he may threaten the witnesses of the prosecution. Apart from that, the petitioner was declared as a proclaimed offender in the present case and could be arrested in the present case on 11.12.2020, i.e., after a period of about 5 years. Thus, keeping in view the gravity of the offence and also the fact that the petitioner, who is a hardened criminal, may threaten the witnesses of the prosecution, the present petition is ordered to be dismissed”.

6. After the dismissal of the earlier petitions, there is no change of circumstances and the petition is liable to be dismissed by this Court.

7. Dismissed.

8. Since, the petitioner is in custody since 11.12.2020, the trial Court is directed to conclude the trial at the earliest.

24.02.2025
amit rana

(N.S.SHEKHAWAT)
JUDGE

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