



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-52437-2024 (O&M)
Date of decision: 03.07.2025

DINESH KUMAR

....Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present : Mr. Kunal Dawar, Advocate
for the petitioner.

Mr. Pawan Kumar Jhanda, DAG, Haryana.

SANJAY VASHISTH. J.(Oral)

CRM-15447-2025

1. This is an application under Section 528 of BNSS, for placing on record the order dated 31.01.2025, passed by this Hon'ble Court in CRM-M-8053-2024, titled Surender @ Bittan Vs. State of Haryana, whereby similarly situated co-accused namely surender @ bittan has been granted the concession of regular bail as Annexure P-5.

2. For the reasons mentioned in the application, the same is allowed. Annexure P-5 is taken on record.

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3. The instant petition has been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioner, during the pendency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-



Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Dinesh Kumar	342	11.10.2022	302, 34 and 120-B of IPC, 1860 and 25 of the Arms Act, 1959. (Challan presented under Section 306 and 34 of IPC and charges framed under Sections 306 and 34 of IPC, 1860	Sadar Ballabgarh , Faridabad	Haryana

4. As per the allegations in the FIR levelled by the complainant-Virender-PW2, his nephew Arvind (deceased in the present case) had been working in the crushers at Faridabad, where some persons including the petitioner started extorting money from him by threatening him in the false case. This fact was told by deceased-Arvind to the complainant. However on the intervening night of 10/11.10.2022, accused persons committed murder of Arvind.

This is how initially FIR was registered under Section 302 IPC and petitioner-Dinesh along with co-accused Surender @ Bittan were arrested on 20.10.2023.

5. It is during the course of investigation that allegation of committing murder was not found substantiated, rather investigating agency concluded that it is an incident of committing suicide and this is how lastly on completion of investigation, challan was submitted under Section 306 of IPC along with list of 31 witnesses in the status report filed by the State. Factum of allegation of committing of suicide has been reiterated and stand taken by the State in para 20, 21 and 26 of the status report are reproduced here as under:-



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20. That thereafter, on 20.10.2023, Dinesh (petitioner) and Surender @ Bittan were arrested. Their disclosure statements were recorded and it transpired that Arvind had committed suicide due to pressure being created by Dinesh (petitioner) and Surender, for returning their due amount and for committing sexual offence with his sister Rachna since long.

21. That as per the investigation carried out so far, it has been revealed that Arvind has not been murdered by Dinesh (petitioner) and Surender alias Bittan. Deceased Arvind committed suicide by shooting himself due to the pressure of taking money by Dinesh (petitioner) and Surender @ Bittan and for committing sexual offence by them with his sister Rachna since long. The revolver with which Arvind shot himself was the deceased's own licensed revolver. Therefore, under Section 302, 120B IPC 25/54/59 Arms Act, were deleted and Section 306, 34 IPC have been added in the present case.

22 to 25 xxxxxxxx

26. That there is direct connection of the repeated incidents of harassment and threats extended by the petitioner/accused and the co-accused Surender @ Bittan, to Arvind until he took the extreme step of committing suicide by use of a revolver, which was his own. The threat or pressure or the act of the petitioner and the co-accused Surender @ Bittan, were so imminent that led to the commission of Suicide by the deceased in the present case. The demand of loan advanced to the deceased, has been admitted. The weapon used while commission of the offence, was in the custody of the petitioner and the day it was used, it was taken by the petitioner, to meet the deceased. It was prima-facie evident that the petitioner Dinesh Kumar was present, at the time, when Arvind shot, himself, with his licensed revolver in the car. Since, advance of loan, to the petitioner and non-payment, thereof, till the date of death of Arvind, has also



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not been rebutted on behalf of the petitioner, the act of commission of Suicide by Arvind could be prima-facie attributed to the petitioner Dinesh Kumar and the co-accused Surender @ Bittan, who were both present at the time of commission of the offence. Admittedly, the petitioner was present at the time of alleged commission of Suicide by Arvind, in the car.

6. Learned counsel for the petitioner argues that petitioner is a innocent person and has been falsely implicated in this case. He has no concern with the alleged suicide committed by Arvind. Even, to prove the allegation of committing suicide, no substantial evidence is available with the prosecution. Allegations against the petitioner are entirely based upon assumptions and no one else can be blamed in self-killing.

Additionally, it is argued that the complainant-Virender (PW2) has already turned hostile and has thus not supported the original version of the prosecution itself. Petitioner is stated to be inside the jail for a period of more than one year and nine months and culmination of trial is likely to take a considerable time because out of the total 31 prosecution witnesses cited in the final report, only 03 prosecution witnesses have been examined till date.

Counsel lastly submits that he is on parity with that of his co-accused Surender Alias Bittan, who has already been granted the concession of regular bail in CRM-M-8053-2024, vide order dated 31.01.2025 by the Co-ordinate Bench of this Court (Annexure P-9). Thus, prays for grant of regular bail.

7. On the other hand, learned State counsel argues that petitioner is a habitual offender as he is involved in 05 other criminal cases and the prime allegation is against the petitioner, therefore, he is not entitled for being released on bail and there is every apprehension that in case petitioner is released on bail,



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he may influence the witnesses suppress the truth. However, the other factual contentions are not being controverted.

8. Learned State counsel, produces the custody certificate dated 02.07.2025 in Court today, which is taken on record. Office to tag the same at appropriate place. A copy thereof has already been handed over to the counsel for the petitioner.

As per custody certificate, petitioner has already undergone 01 year, 08 months and 13 days period inside jail.

9. I have heard the respective counsels and gone through the relevant record.

10. The apprehension of learned State counsel that the petitioner may influence the witnesses is unfounded because the complainant, at whose instance the FIR was registered, has turned hostile, and there is no direct evidence against the petitioner available with the prosecution. Similarly situated co-accused i.e. Surender Alias Bittan, has already been granted the concession of regular bail in CRM-M-8053-2024, vide order dated 31.01.2025 by the Co-ordinate Bench of this Cour and the factors noticed hereinabove, I deem it appropriate to grant the concession of bail to the petitioner.

11. Consequently, prayer made in the present petition is **allowed**. Petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

12. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.



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13. Any of the discussion done and recorded hereabove, shall not be construed as an expression of opinion on the facts of the case. Therefore, trial Court is expected to decide the case by taking an independent view, on the basis of evidence available on record, as expeditiously as possible, in accordance with law.

14. Petition stands disposed of.

03.07.2025
amandeep

(SANJAY VASHISTH)
JUDGE

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