



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

CRM-M-64099-2024

Date of decision : 08.01.2025

Dinesh Thakran

.....Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

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

Mr. Vijesh Sharma, Addl. AG, Haryana.

RAJESH BHARDWAJ, J. (Oral)

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

2. As per the facts of the case, FIR was registered on the statement of Suresh Kumar. It was alleged that his nephew Amit son of Satbir had given Rs.20 lacs to Ashu, President of Pataudi. His nephew used to ask him for return of the money and hence, Ashu, Ajay, Rana etc were nurturing a grudge against him. On 11.07.2012 at about 10:00 PM, his nephew Amit; his friend Mahinder @ Takla and Anil were sleeping in the house of Mahinder @ Takla. In the morning at about 04:30 AM, he heard a gunshot sound and on reaching, he found that his nephew Amit was shot in the head and Mahinder @ Takla was also shot in his chest and both were lying dead. Anil was shot in his leg who was lying in the courtyard. They were shifted to the hospital. It was prayed that the action be taken against the culprits for the murder of Amit and Mahinder @ Takla. On registration



of the FIR, investigation commenced. Petitioner was named as an accused during the investigation. He was arrested on 13.05.2018 and he was enlarged on bail by this Court on 25.01.2019. However, petitioner jumped the bail and hence, the same was cancelled and he was thereafter, arrested on 24.01.2023 and since then, he is behind bars. He approached before this Court for the grant of bail five times however, the same were declined.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in this case during investigation. He submits that the petitioner admittedly was granted bail by this Court however as he fell addicted to the intoxicant and hence, he was sent to the De-addiction Centre as well. It is because of this, he remained absent from the trial Court and hence, his bail was cancelled which was granted by this Court. It is submitted that petitioner is not involved in any other case of the similar nature. To buttress his arguments, he has submitted that the material witnesses Suresh Kumar complainant, Bijender Singh and Anil Kumar have been examined as PW-1, PW-2 and PW-3 respectively. All these witnesses during their examination before the trial Court had not supported the case of prosecution against the petitioner. He submits that all these witnesses in specific terms have denied the complicity of the petitioner as alleged by the prosecution. He submits that even otherwise, the majority of the witnesses already stand examined and hence, in the facts and circumstances of the case, petitioner deserves to be granted regular bail.

4. Learned State counsel, however, has vehemently opposed the submissions made by counsel for the petitioner. He has submitted that complicity of the petitioner was duly established during investigation. He submits that though the petitioner was granted bail by this Court however,



he blatantly misused the same and violated the terms and conditions of the bail and hence, his bail was cancelled. He thus, submits that the conduct of the petitioner itself does not entitle him for the grant of bail. He, on instructions from SI Krishan Kumar, has submitted that out of 44 prosecution witnesses, 40 witnesses already stand examined. He has further apprised this Court that in all there were 09 accused, out of which, 05 accused were acquitted by the trial Court and 03 accused have been given convicted. So far the petitioner is concerned, he is facing the trial as he was arrested later on.

5. After hearing counsel for the parties and perusing the record, it is deciphered from the facts and circumstances of the case that name of the petitioner earlier surfaced in the case during investigation and he was arrested on 13.05.2018. This Court had granted him bail on 25.01.2019 but as he violated the terms and conditions of the bail, hence, the same was cancelled and he was rearrested on 24.01.2023 and since then, he is behind bars. As submitted before this Court, the material witnesses i.e. PW-1, PW-2 and PW-3 have not supported the case of the prosecution during their examination. Even otherwise, out of 44 prosecution witnesses, 40 witnesses already stand examined and thus, majority of the witnesses have already been examined by the trial Court. Hence, there is no apprehension that the petitioner can influence the prosecution witnesses.

6. The veracity of the allegations would be assessed only after conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. The trial of the case will take sufficiently long time. Thus, keeping in view the overall facts and circumstances of the case, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail. Accordingly, the



present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

08.01.2025
m.sharma

(RAJESH BHARDWAJ)
JUDGE

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