

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

CRM-M-31465-2015

Date of Decision: 21.09.2015

Vikram @ Vicky

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr. Rajesh Lamba, Advocate,
for the petitioner.

Mr. Pawan Gaur, DAG, Haryana.

Naresh Kumar Sanghi, J. (Oral)

Prayer in this petition, filed under Section 439, Cr.P.C., is for grant of bail to the petitioner, Vikram @ Vicky, who has been booked for having committed the offences punishable under Section 302 read with Section 34, IPC, and Sections 27 & 30 of the Arms Act, in a case arising out of FIR No.249 dated 15.06.2015, registered at Police Station, Safidon, District Jind.

Learned counsel for the petitioner contends that even if the whole case of the prosecution is taken at its face value then also the essential ingredients of Section 302 IPC are not attracted qua the petitioner; even the prosecution case is not that the petitioner had committed the murder of Jaipal Singh @Kala; though it is alleged by the prosecution that the gun used for committing the murder of Jaipal @ Kala was belonging to the petitioner but no person/witness has stated that at the time of the alleged murder of Jaipal @ Kala, the petitioner was present at

the spot. He further points out that the disclosure suffered by co-accused of the petitioner would not be legal evidence against him, after filing of the charge-sheet.

Learned counsel for the State on instructions from SI Ram Karan of Police Station, Safidon has very fairly conceded that no independent person had disclosed to the police that petitioner was amongst the assailants; he further admits that the factum of use of the gun belonging to the petitioner has emerged during the disclosure statement of the co-accused of the petitioner.

After hearing learned counsel for the parties and going through the material available on record, this Court finds that it is a fit case where the concession of bail can be extended to the petitioner and as such the present petition is allowed. Petitioner-Vikram @ Vicky, s/o Rajinder, r/o village Ishrana, District Panipat, is ordered to be released on bail, during pendency of trial of the present case, subject to his furnishing bonds to the satisfaction of the learned Chief Judicial Magistrate/Duty Magistrate, Jind.

(NARESH KUMAR SANGHI)
JUDGE

21.09.2015
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