

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

CRM-M-3487 of 2015

Date of decision : 22.04.2015

Vikas

..... Petitioner

Versus

State of Haryana

... Respondent

CORAM:- HON'BLE MR. JUSTICE DARSHAN SINGH

1. Whether Reporters of the local papers may be allowed to see the judgment ?
2. To be referred to the Reporters or not ?
3. Whether the judgment should be reported in the Digest?

Present: Mr. J.S. Ghuman, Advocate for petitioner.

Mr. P.S. Sullar, Additional Advocate General
for respondent-State of Haryana.

DARSHAN SINGH, J.

This petition has been filed by accused-petitioner Vikas for grant of regular bail in case FIR No.231 dated 21.09.2013 under Sections 323, 395, 397, 201, 302, 307, 396 of the Indian Penal Code (in short 'IPC'), Police Station Rajendra Park Gurgaon.

As per the prosecution allegations, Om Parkash complainant was running a gymnasium and his brother Ashok had been running a de-addiction centre at Rajendra Park, Gurgaon. About 22 persons were getting treatment in the said centre. On 21.09.2013, at about 01:00 P.M.,

the complainant received the information that 19 persons out of 22 persons getting treatment had absconded after causing injuries to Ashok, Ramesh, Narender and Prem Pal. He went to the place of occurrence. The articles were lying scattered and damaged. The accused had also looted the swift car bearing registration No.HR-26-BT-1613 and had also removed the record to conceal their identity. Later on, Narender succumbed to the injuries. Ashok had also suffered the serious injuries. The present applicant was arrested on 22.09.2013. Since then, he is in custody. His application for grant of regular bail has been dismissed by the learned Additional Sessions Judge, Gurgaon. Hence this petition.

Learned counsel for the petitioner contended that there is no evidence to connect the petitioner with the commission of the present offence. The prosecution has examined two eye-witnesses namely Prem Pal and Ramesh but they have not supported the prosecution case. As per the prosecution allegations, the car has been recovered from the possession of petitioner that will not connect him with the commission of the murder. The petitioner is in custody for the last one and half year. The trial is not going to be concluded in near future. So, the petitioner deserves concession of bail.

Learned State counsel pleaded that the accused-petitioner pleaded that the accused-petitioner along with his co-accused had committed murder of Narender and had caused serious injuries to Ashok, who was running the de-addiction centre. Injured Ashok is still not medically fit and his statement is yet to be recorded. The car has been

recovered on the basis of the disclosure statement of the present petitioner. So, he does not deserve the concession of regular bail.

I have given thoughtful consideration to the aforesaid contentions and have meticulously examined the case file.

In this occurrence injuries were caused to four persons namely Ashok, Ramesh, Narender and Prem Pal. It is not disputed that Prem Pal and Ramesh have not supported the prosecution case. Narender had succumbed to the injuries. The discharge summary of injured Ashok shows that he has suffered the serious head injury besides the other injuries. He even have to be kept on ventilator and underwent surgical procedures. Thus, he is the material witness of the prosecution. Learned State counsel pleaded that he is not yet medically fit and his statement is yet to be recorded. The looted swift car bearing registration No.HR-26BT-1613 has been recovered on 22.09.2013 from the possession of the present petitioner, which indicates the complicity of the petitioner in the present case.

Keeping in view the gravity of the offence, mere this fact that the petitioner is in custody for last more than one and half year, is not making him entitled for grant of the concession of bail.

Thus, keeping in view my aforesaid discussion, the present petition has no merits and the same is hereby dismissed.

22.04.2015*sunil yadav***(DARSHAN SINGH)
JUDGE**