

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

**AT CHANDIGARH**

**Criminal Misc. No.M-46325 of 2018**

**Date of Decision: 19.11.2018**

Vikas @ Khopa @ Tigri

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

**CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA**

Present:- Ms. Raani Kaur Kalra, Advocate for  
Mr. A.S. Kalra, Advocate  
for the petitioner.

Mr. Manish Bansal, DAG, Haryana.  
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**HARI PAL VERMA, J. (Oral)**

Prayer in the present petition filed under Section 439 of the Code of Criminal Procedure, 1973 is for grant of regular bail to the petitioner in case FIR No.127 dated 05.10.2017 under Sections 302, 323, 506, 148, 149 IPC and Section 120-B, 34 IPC and Section 25 of Arms Act, 1959 (added later on) registered at Police Station Panjokhra District Ambala.

Learned counsel for the petitioner has argued that the petitioner is in custody since 08.10.2017 and except that his presence at the scene of occurrence, no role has been attributed to him. He further submits despite the FIR having been registered on 05.10.2017, only 6 witnesses

have been examined so far, whereas the prosecution has cited as many as 23 witnesses. Moreover, the petitioner has not been named by Dalbir Singh, the complainant in the case, in his initial version.

Learned State counsel, on instructions from ASI Ajit Pal, submits that the petitioner has been named by Dalbir Singh, complainant, in his supplementary statement as well as eyewitness Jaswinder Singh. Moreover, a *danda* has been recovered from the possession of the petitioner. He further argues that even if no specific injury has been attributed to the petitioner, he was present at the scene of occurrence and therefore, in view of Sections 148 and 149 IPC, his involvement is otherwise established.

Admittedly, as against the total 23 witnesses cited by the prosecution, only 6 witnesses have been examined so far. Dalbir Singh, complainant, at whose behest the instant FIR has been registered, has not named the petitioner in his initial version. There is no specific allegation that the petitioner has caused any injury to the deceased Swaran Singh or to the injured Dalbir Singh. Considering the fact that the petitioner is in custody since 08.10.2018 and the trial in the case will take sufficient long time and culpability of the petitioner shall be established only during the trial. Thus, no useful purpose will be served to keep the petitioner in custody, I deem it appropriate to release him on regular bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail, subject to furnishing of his bail bonds/surety bonds to the satisfaction of the trial Court.

However, it is made clear that the observations made hereinabove shall be confined to the present petition only and the same shall not be construed as any expression on the merits of the case.

November 19, 2018  
**AK**

**( HARI PAL VERMA )**  
**JUDGE**

Whether speaking / reasoned?  
Whether reportable?

Yes / No  
Yes / No