

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

CRM-M-8260-2018

Date of decision:-23.5.2018

Vishal @ Sonu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.Aayush Gupta, Advocate
for the petitioner.

Mr.Neeraj Poswal, AAG, Haryana.

H.S. MADAAN, J.

This petition for regular bail has been filed by Vishal @ Sonu – an accused in FIR No.366 dated 23.9.2016, under Sections 302, 120-B, 34 IPC and Section 25 of the Arms Act, registered at Police Station Sadar, District Sonapat.

Briefly stated, facts of the case as per prosecution story are that FIR in this case was got recorded by complainant Santosh wife of Ashok Kumar, deceased, resident of Baiyapur Khurd, aged 35 years by making statement to the police on 23.9.2016 wherein she stated that her husband Ashok Kumar was working as Property Dealer along with one Kuldeep and a dispute had been there between the two; that on 22.9.2016

her husband had gone on his motorcycle for leaving Manbir and when he was returning home, somebody shot at her husband as a result he died; she expressed a doubt that her husband had been murdered by his business partner – Kuldeep. After registration of the FIR, investigation in the case started, however, on the very next day, the complainant submitted a written complaint addressed to SHO Police Station Sadar, Sonapat wherein she stated that in her previous statement to the police, she had given names of Kuldeep, Surjeet, Manbir and Vinod as suspects, which had been done wrongly and as a matter of fact her husband had been murdered by her sister-in-law Jyotika in connivance with her paramour since Rajesh @ Raju, a brother-in-law of the complainant, who was married with Jyotika had been murdered; that after death of Rajesh @ Raju, Jyotika wanted to re-marry after getting money and landed property of Rajesh @ Raju, to which Ashok Kumar (deceased) used to resist resulting in exchange of hot words between Ashok Kumar and Jyotika; that Jyotika along with her son household articles and money had gone to her parental house at village Kasni and was living there; that for that reason, Jyotika in connivance with her paramour had murdered Ashok Kumar by shooting him and that in the evening at about 7:30 p.m., she had seen Jyotika with a young person on a motorcycle of black and blue colour going towards the colony; that she could recognize the boy as he had been coming to their house to meet the deceased.

Thereafter the investigation in the matter was started from that angle. Jyotika and Vishal @ Sonu were arrested in this case. Both the accused were interrogated. They got the place of incident identified. It

came out that there has been love affair between Jyotika and Vishal @ Sonu and they planned to remove deceased from their way. On 22.9.2016 Vishal alias Sonu along with Jyotika were riding on motorcycle HR14L-5142 and in the evening Vishal @ Sonu shot at Ashok with the result Ashok fell down, then Jyotika took .32 bore pistol from Vishal @ Sonu and fired at Ashok and Ashok died there, then Jyotika gave pistol to Vishal @ Sonu. On the basis of disclosure statement of Vishal @ Sonu, the pistol used in the incident along with the motorcycle which Vishal @ Sonu and Jyotika were riding at the time of shooting at deceased were got recovered by Vishal @ Sonu from his possession. The bullet found from the body of Ashok during post-mortem examination, which was sent to FSL, Madhuban and as per report received therefrom, it transpired that it had been fired from the pistol in question. Thus Vishal @ Sonu is clearly connected with the incident. Accordingly, formal FIR was registered and investigation in the case started. He had filed an application for regular bail in the Court of Sessions, which was declined by Additional Sessions Judge, Sonapat vide order dated 7.6.2017, as such, he has approached this Court with the same request.

Notice of the petition was given to respondent – State and counsel representing the State has put in appearance.

I have heard learned counsel for the parties besides going through the record.

The allegations against the petitioner are very grave and serious. The trial against him is going on and as many as 23 PWs have been recorded out of 26 prosecution witnesses cited. In that way, the trial

is likely to be concluded in near future. The guilt of the accused shall be determined during the trial. There are reasonable chances of the petitioner tampering with the prosecution evidence and absconding, if granted bail.

Therefore, finding no merit in the petition, the same stands dismissed.

23.5.2018
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No