

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

**CRM-M No.14589 of 2020
Date of Decision : 06.07.2021**

Vicky @ Vikash

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present : Mr. Randeep S. Dhull, Advocate
for the Petitioner.

Mr. Bhupender Singh, Dy. Advocate General, Haryana
for the Respondent/State.

SUDIP AHLUWALIA, J. (ORAL)

The instant Petition has been filed under Section 439 of the Code of Criminal Procedure seeking Regular Bail on behalf of the Petitioner in case FIR No.216, dated 28.04.2018, registered under Sections 148, 149, 302, 404, 120-B of the Indian Penal Code and Section 25 of the Arms Act, 1959, at Police Station Sampla, District Rohtak.

2. The Petitioner has remained in detention for more than 03 years since 14.05.2018.

3. The FIR was lodged by one Mukesh wife of deceased Anand resident of Village Karor, District Rohtak, who was shot down by many persons, who had chased him after having stopped his Car

(No.HR-56B-7377) on the relevant date. The Complainant (his wife) was with him in the Car, but hid herself on hearing the gun-shot firing. She had named the Petitioner and several other persons namely Anil and Sandeep both son of Ram Niwas, Sampat Nehra, Pardeep @ Popi, Raju, Jaiparkash, Jai Bhagwan, Baljeet, Vikash @ Bhandu, Mohit, Pardeep, Kuki, Sandeep, Vikas @ Bagga, Raj Kumar @ R.K. and Rohit @ Rocky, as accused, who according “*to her full belief*”, had murdered her husband.

4. Admittedly, there is no direct eye-witness to the occurrence which took place near the fields of the deceased. The Petitioner was nevertheless arrested for having been named in the FIR in which the Complainant had categorically stated that she had *full belief* about the involvement of the above named persons, since they had some old village enmity with her husband.

5. When the matter came up for consideration before this Court earlier on 19th March, 2021, the State was directed to explain the actual incriminating material emerging against the Petitioner on the basis of the FSL Report, since there was no direct eye-witness to the occurrence. On 8th April, 2021, Ld. State Counsel drew attention to the contents of the concerned FSL Report annexed to the State's Reply. Perusal of the same would go to show that out of a number of weapons

having been recovered in the case, the offending weapon, used against the deceased, was apparently a Double Barrel Gun which is noted at Item No.XVII in the relevant FSL Report, and certain Bullets/cartridges fired from the said gun had also been examined by the Ballistic Expert of the FSL.

6. It further transpires that recovery of the said offending firearm was made from co-accused Raj Kumar and not from the present Petitioner himself, although a case is sought to be made out that such gun was passed on to Raj Kumar by the present Petitioner, which is not supported by any tangible evidence except Disclosure Statement of the co-accused persons themselves.

7. Since, there is no direct eye-witness to the occurrence, in question, so the chances of creating pressure upon the private witnesses to depose in any prejudicial way would appear to be improbable.

8. Some other co-accused persons namely Sachin @ Shooter and Mohit @ Pehalwan, have been granted regular bail not only by this Court in CRM-M No.19104 of 2021 but also by the Ld. Additional Sessions Judge, Rohtak, himself, in Bail Application No.308 of 2021, specially in view of the fact that as many as 43 witnesses have been cited from the Prosecution side, but even the first of those is yet to be examined.

9. Completion of trial, in the given circumstances, would, therefore, certainly take a considerable time due to on-going Covid-19 Pandemic. Further detention of the Petitioner for an indefinite period at this stage is, thus, not called for, he is, therefore, ordered to be released on bail subject to appropriate terms and conditions to the satisfaction of the Ld. Trial Court/Duty Magistrate concerned. It is, however, clarified that none of the observations recorded in this order shall have any bearing on the final outcome of the trial, and the Ld. Trial Court shall pronounce its Judgment independently on its own merits without being influenced by any observation noted in this order.

10. Disposed off.

July 06, 2021

Dpr

**(SUDIP AHLUWALIA)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No