

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-17779-2020 (O&M)
Date of Decision:- 12.2.2021

Vikas Kumar

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Saurabh Sharma, Advocate, for the petitioner.

Ms. Sheenu Sura, DAG, Haryana,
assisted by SI Satpal Singh.

Mr. Tejinder Pal Singh, Advocate, for the complainant.

(Proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in a case registered vide FIR No. 327, dated 5.7.2019, Police Station Indri, District Karnal, under Sections 148, 149, 302 IPC.
2. The FIR in question was lodged at the instance of Sohan Lal wherein it is alleged that his younger son Ajay was into property dealing and on account of which Randhir Singh, Jagmal Singh, Sukhbir Singh,

Pardeep Kumar, Rahul, Prince and Sachin nursed a grudge against him relating to some monetary transaction. It is alleged that 15 days prior to the occurrence they had given beatings to his son Ajay Kumar. It is further alleged that on 4.7.2019 at about 11/11.30 pm the aforesaid persons called his son and took him along and he did not return back during the night. On the next morning i.e. on 5.7.2019 at about 5 am. a co-villager namely Mai Chand informed him that the dead body of his son is lying near the bus stand. Upon receiving the said information the complainant went to the bus stand and saw that the dead body of his son was lying there which was bearing marks of injuries on his head, chest, stomach, arms and feet and there were tyre marks on the dead body and a broken number plate was lying nearby. The complainant alleged that he strongly suspected that the above mentioned persons along with their relative i.e. aunt's son Robin and other boys after conspiring had murdered his son.

3. Learned counsel for the petitioner has submitted that he is nowhere named in the FIR and that the 7 persons who were specifically named in the same have been given a clean chit and the petitioner has been made an scapegoat and that too on the basis of an alleged disclosure statement made by one Sandeep, the admissibility of which would be debatable.
4. Opposing the petitioner, the learned State counsel assisted by learned counsel for the complainant has submitted that during the course of investigation CCTV footage of the place where all the accused had

consumed liquor was collected and which clearly shows that the petitioner was also accompanying them and was a part of the illegal assembly which had consumed liquor and conspired to eliminate Ajay Kumar. The learned State counsel has further informed that the co-accused Sandeep who was arrested in this case on 18.7.2019 had made a disclosure statement who stated that the petitioner was sitting in the car which he (Sandeep) was driving with the help of which the deceased was killed by running over car over him. The learned State counsel has however, informed that the petitioner as on date has been behind bars since the last about 1 year and 7 months and that he is not involved in any other case. It has further been informed that as on date not even a single PW out of the cited 30 PWs has been examined.

5. I have considered rival submissions addressed before this Court.
6. It is apparently a case of circumstantial evidence. Although 7 persons have specifically been named in the FIR but the petitioner is not amongst the said persons who were named therein. Interestingly the said 6 persons had been given a clean chit. It may here be mentioned that the Sandeep is also known as Rahul. The petitioner has been nominated on the basis of a disclosure statement made by co-accused Sandeep @ Rahul who stated to the effect that the petitioner was sitting in the car which Sandeep was driving which had run over the deceased. The veracity and admissibility of such disclosure statement would be debatable. In any case, the petitioner has already undergone a substantial period i.e. 1 year and 7 months

and is not even stated to be involved in any other case. In these circumstances further detention of the petitioner will not serve any useful purpose particularly when not even a single PW out of the cited 30 PWs has been examined so far. The petition, as such, is accepted and the petitioner is ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

February 12, 2021

mohan

**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No