

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.231

CRM-M-40787-2021

Date of decision: 02.11.2021

Vikas @ Vicky

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Anshumaan Dalal, Advocate
for the petitioner.

Mr. Rahul Mohan, DAG, Haryana.

* * *

DEEPAK SIBAL, J. (Oral)

The matter has been taken up through video conferencing.

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.337 dated 27.05.2018, registered under Sections 302, 201, 364 and 34 IPC at Police Station Meham District Rohtak.

Co-accused-Naveen @ Deepa, who is admittedly identically placed as the petitioner had earlier approached this Court through CRM-M-24333-2021 – Naveen @ Deepa vs. State of Haryana and his plea for bail was accepted through order of this Court dated 06.09.2021. Relevant portion of the aforesaid order reads as under:-

“The allegations against the petitioner are that he, alongwith his coaccused-Vikas, called the complainant's brother from his house, kidnapped and then murdered him.

Seeking regular bail for the petitioner, learned counsel submits that the petitioner has been falsely implicated in this case; he is in custody for the last over 03 years and 03 months; he is not involved in any other criminal case; the only prosecution witness, who had allegedly seen the petitioner and the deceased together for the last time, while appearing before the Trial Court, has not supported the prosecution's case and that the petitioner's trial will take a long time to conclude.

Learned State counsel opposes the grant of bail to

the petitioner on the ground that the petitioner is accused of kidnapping, murder as also disposal of the deceased's dead body.

The petitioner is in custody for the last over 03 years and 03 months; he is not involved in any other criminal case; the witness for the prosecution who had allegedly seen the petitioner and the deceased together for the last time, has turned hostile and that the petitioner's trial will take a long time to conclude.

In view of the above, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Rohtak the petitioner is directed to be released on bail. ”

Since it is not disputed that the case of the petitioner is identical to that of co-accused Naveen @ Deepa and that the only witness for the prosecution who had allegedly seen the petitioner and the deceased together for the last time has turned hostile as also for the reason that the petitioner has been in custody for the last nearly 3 ½ years, he is directed to be released on bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Rohtak the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

November 02, 2021
Jyoti 1

(DEEPAK SIBAL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No