

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

CRM-M-54265-2021 (O&M)
Date of Decision:-5.4.2022

Vipin Sharma ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Amit Jain, Advocate for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered vide FIR No.147 dated 20.3.2020, Police Station Sector Sector-10, District Gurugram, under Sections 302, 34 of Indian Penal Code and Sections 25(1B)(a) and 27(1) of Arms Act.
2. The FIR was lodged at the instance of Mahavir Singh Yadav, wherein it is alleged that he has a son and a daughter and that his son is running an office under the name and style of 'Gaurav Properties'. It is alleged that a person named Amit Saini was having friendship with his son and his son used to talk to Amit Saini's wife Shivani, which was not approved of by Amit Saini and he nursed a grudge against complainant's son Gaurav. It is alleged that on

19.3.2020 at about 11:30 p.m., when his son Gaurav was returning home from his office, his vehicle got punctured. While he was replacing the tyre, Amit Saini and his associates murdered his son Gaurav by firing at him. It is further the case of prosecution that during the course of investigation, statement of one Vinod Singh Raghav was recorded, who stated that on the fateful day, he alongwith Gaurav and Laxman were travelling in a car and that their co-associate Sajjan was following them on his motorcycle. He further stated that while on the way they noticed that one of the tyre of car had deflated on account of which they stopped the car and started changing the wheel, then two persons came on a motorcycle and opened fire towards Gaurav leading to his death. He specifically stated that the said two persons were Vipin Sharma and Amit Saini. The police also recorded the statement of another co-passenger Laxman Dass, who also stated to a similar effect. Statement of Sajjan, who was following the car on his motorcycle, was also recorded, who also named the aforesaid two persons as assailants.

3. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and that the falsity of the case would be evident from the fact that all the three eye-witnesses i.e. two co-passengers of the deceased and another person, who was following the car on a motorcycle i.e. PW-4 Vinod, PW-5 Laxman Dass and PW-7-Sajjan Yadav, have not supported the case of prosecution when they were examined during the course of trial. Learned counsel has further submitted that since the petitioner has been behind bars for the last more than 2 years and has a clean record, he deserves the concession of bail.
4. On the other hand, learned State counsel has submitted that having regard to the facts and circumstances of the case and the fact that the motorcycle used

for the commission of crime, was got recovered at the instance of the petitioner, his complicity is clearly evident. Learned State counsel, however, could not dispute the fact that the star witnesses of the prosecution have not supported the case of prosecution. It has been informed that the petitioner otherwise has been behind bars since the last more than 2 years and has a clean record. It has also been informed that as on date only 7 out of the cited 25 PWs have been examined.

5. I have considered rival submissions addressed before this Court. It is not disputed that material eye-witnesses have resiled. The petitioner has been behind bars for a substantial period of more than 2 years. Conclusion of trial is likely to consume time as only 7 out of the cited 25 PWs have been examined so far. As such, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

5.4.2022

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No