

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

CRM-M-14629-2023 (O&M)
Date of Decision:-08.05.2023

VIKAS SHARMA @ SHIVI

... Petitioner

Versus

STATE OF HARYANA

... Respondent

-. -

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

-. -

Present:- Dr. Pankaj Nanhera, Advocate
for the petitioner.

Mr. Naveen Kumar Sheoran, DAG, Haryana.

-. -

KARAMJIT SINGH, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in a case having FIR No.126 dated 26.02.2022 registered under Sections 120-B, 212, 302 read with Section 34 IPC and Section 25 of Arms Act, at Police Station Baldev Nagar, District Ambala (Annexure P-1).
2. The allegations in nut-shell are that complainant Babli made statement to the police that on 26.02.2022, she was present in her house along with her son Aman @ Gappu and some other family members and at about 12:30 pm petitioner came there and told the complainant that

Rita Sharma has sent him at the instance of co-accused Bunty Kaushal who has called Aman @ Gappu to Mission Hospital, Ambala City. Then Aman @ Gappu left for Mission Hospital, Ambala City in his car and after about 2:00 p.m. the friend of her son informed her on telephone that Aman @ Gappu has been shot at by Bunty Kaushal near ICU Gate of Mission Hospital, Ambala City and thereafter Bunty Kaushal sped away from there in a car. Injured Aman @ Gappu was admitted in Civil Hospital, Ambala where he died while under treatment. The complainant made request to the police to take action against the petitioner, Bunty Kaushal and Rita Sharma.

3. The counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in the present case at the instance of the complainant, he being nephew of co-accused Rita Sharma and is in custody since 5.3.2022 and during investigation no incriminating or objectionable articles were recovered from his possession. The counsel further submits that the alleged occurrence was not witnessed by the complainant and the employee of the concerned hospital who witnessed the occurrence has not supported the case of the prosecution while appearing in the witness box as PW-2 and that another eye-witness PW-6 Tejwinder Singh @ Binni also failed to support the case of the prosecution. The counsel for the petitioner further submits that the trial is going on at slow pace and co-accused Rita Sharma who was named in the FIR has already been enlarged on bail by this Court vide order dated 2.2.2023 in CRM-M-56886- 2022 and prayed that the petitioner be also released on regular bail.

4. The instant petition is contested by the State counsel, who submits that that the petitioner conspired with Bunty Kaushal and in furtherance of said conspiracy Bunty Kaushal shot dead Aman @ Gappu and the petitioner provided exact location of the deceased to Bunty Kaushal just before the occurrence. However, the State counsel on instructions from ASI Balkar Singh has not disputed the fact that the petitioner is in custody since 28.02.2022 and during investigation no recovery of incriminating or objectionable articles effected from the petitioner and further co-accused Rita Sharma was granted concession of regular bail by this Court vide order dated 2.2.2023. The State counsel has also not disputed the fact that PW-2 Barkha Ram and PW-6 Tejwinder Singh @ Binni have not stated anything against the present petitioner. The State counsel further apprised the Court that in all there are 42 witnesses out of which prosecution has examined 6 witnesses till date.
4. I have considered the submissions made by counsel for the parties.
5. As per the story narrated in the FIR, Aman @ Gappu was shot dead by Bunty Kaushal and the allegations against the petitioner are that he conspired with Bunty Kaushal and provided him exact location of the deceased and thus facilitated Bunty Kaushal in committing murder of Aman @ Gappu. Complainant Babli, eye-witness Barkha Ram and another PW-Tejwinder Singh @ Binny are already examined and it appears that the complainant had not witnesses the alleged occurrence while Barkha Ram and Tejwinder Singh @ Binni have not stated anything against the petitioner. The exact complicity of the petitioner will be unfolded only after recording of entire evidence on behalf of

the prosecution. The petitioner is in custody since 28.02.2022 and during investigation, no weapon is stated to be recovered from his possession. Further, it will take time for the trial to conclude and another accused Rita Sharma, who was also named in the FIR is already granted concession of regular bail vide order dated 2.2.2023 (Annexure P-5). So no fruitful purpose is going to be served by prolonging judicial custody of the petitioner for indefinite period.

6. Thus, without commenting on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate concerned.

08.05.2023
Gaurav Sorot

(KARAMJIT SINGH)
JUDGE

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No