

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-18452-2022 (O&M)

Date of decision : 17.3.2023

Kaptan @ Cheeta

... Petitioner

VERSUS

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Ajay Singh, Advocate,
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana

KARAMJIT SINGH, J. (Oral)

Prayer is for grant of regular bail to the petitioner in criminal case having FIR No.70 dated 6.2.2017 registered under Sections 120-B, 201, 212, 302, 34 IPC at Police Station Palam Vihar, District Gurugram.

The allegations in nutshell are that the complainant received information that his son Vikrant was taken away by Vikas Dalal, Anshul Dhankar, Rahul and some other persons who had come in two cars and thereafter, the said persons shot him dead in the area of village Bajghera. During the investigation of the case, co-accused Anshul was arrested who made disclosure statement against the present petitioner regarding his involvement in the murder of aforesaid Vikrant and thereafter, the petitioner was named as accused and arrested in the present case.

Counsel for the petitioner submits that the petitioner was not named in the FIR and was named as accused on the basis of the disclosure

statement of Anshul who has been already granted bail. He further submits

that the petitioner is in custody for the last more than 5 years and 3 months and it will take considerable time for the trial to conclude and during investigation, no weapon was recovered from the possession of the petitioner. He further submits that the complainant while appearing in the witness box as PW9, simply stated that his son Vikrant was murdered by some unknown persons and in his cross-examination, the complainant stated that the petitioner and other accused persons are having nothing to do with the murder of his son.

Present petition is contested by the State counsel who submits that the petitioner was named as accused on the basis of the disclosure made by co-accused Anshul. However, she has not disputed the fact that co-accused Anshul is already granted bail and that the petitioner is in custody for the last more than 5 years and that no incriminating article was recovered from the possession of the petitioner during the investigation of the case.

State counsel has also not disputed the fact that while appearing in the witness box, the complainant has not named the petitioner in his testimony to be the person responsible for the murder of his son Vikrant.

I have considered the submissions made by the counsel for the parties.

Admittedly, the petitioner was not named in the FIR and was later on, named as accused on the basis of the disclosure statement of co-accused Anshul who is stated to be already released on bail. As per custody certificate furnished by the State counsel, the petitioner is in custody for the last more than 5 years and 3 months. Admittedly, no incriminating article or weapon was recovered at the instance of the petitioner during the

investigation. Further, the complainant, while appearing in the witness box, has not stated anything against the present petitioner. It will take time for conclusion of trial. Thus, no useful purpose is going to be served by keeping the petitioner in custody for any further period.

In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

March 17, 2023
Paritosh Kumar

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