

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-339-2024
Date of Decision: 19.3.2024

Vikas
....Petitioner

VERSUS

State of Haryana
....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Sukesh Kumar Jindal, Advocate
for the petitioner.

Mr. Vishal Kashyap, DAG, Haryana

KARAMJIT SINGH, J.

Prayer in the present petition under Section 439 of Code of Criminal Procedure is for grant of regular bail to the petitioner in case FIR No.263 dated 1.7.2020 registered for the offences punishable under Sections 186, 307, 34, 353, 333 IPC and Section 25 of Arms Act at Police Station City Jind, District Jind.

2. The allegations in nutshell are that on 30.6.2020, the police received information that two police officials were murdered at Jind Gohana near Hariyali park of village Butana and one motorcycle bearing No.HR10-Y-1465 was parked near them. On receiving the said information, the police officials reached the disclosed place and dead bodies of constable Ravinder and SPO Kaptan were recovered from there and the dead bodies were bearing injuries caused with sharp edged weapon. During investigation of the said case, one Sandeep was arrested along with car on 1.7.2020. During further investigation, it was revealed that petitioner-Vikas, Amit and Neeraj

were involved in the aforesaid double murder. Then the police party proceeded to arrest petitioner Vikas and Amit and the police officials spotted both the said accused and started chasing them and encounter took place wherein Amit was killed and the police officials also sustained injuries. The present petitioner managed to escape and was later on arrested on 6.7.2020. Subsequently, the petitioner was also arrested in the present case relating to aforesaid encounter which resulted in the death of co-accused Amit and injuries to the police officials.

3. Counsel for the petitioner submits that the petitioner is falsely implicated in the present case and double murder case and is in custody for the last 3 years and 8 months and the trial is not progressing ahead as till date, the prosecution failed to examine any witness. It is further submitted that the petitioner is granted regular bail by Coordinate Bench of this Court in the aforesaid double murder case vide order dated 29.11.2023 passed in CRM-M-54793-2023. So, prayer is made that the petitioner be released on regular bail in the present case.

4. Status report by way of affidavit of Joginder Singh, DSP, Jind (Headquarter) filed on behalf of the State is ordered to be taken on record along with Annexures R-1 to R-3.

5. State counsel while opposing the present petition, submits that firstly, the petitioner along with other accused committed double murder of the police officials and when the police officials received information with regard to whereabouts of the petitioner, encounter took place which resulted in the death of co-accused Amit and some police officials also sustained injuries as are detailed in Annexure R-1 (colly). However, the State counsel

on instructions from ASI Ajit Singh has not disputed the fact that the

petitioner is enlarged on bail in double murder case of police officials vide order dated 29.11.2023. State counsel further apprised the Court that after framing of charges, no prosecution witness is examined till date.

6. In light of above, as the petitioner is already granted regular bail in a criminal case involving murder of 2 police officials and is incarcerated for the last more than 3 years and 8 months and the trial is not proceeding ahead, no purpose is going to be served by keeping the petitioner in custody for any further period.

7. 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 19, 2024
Paritosh Kumar

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