

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-45761-2023

Date of decision: 15.02.2024

Rohit Victor @ Vicky

...Petitioner

Vs.

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Ms. Poonam Chaudhary, Advocate,
for the petitioner.

Ms. Trishanjali Sharma, Deputy Advocate General, Haryana.

Mr. Anuj Malik, Advocate,
for the complainant.

Manjari Nehru Kaul, J. (oral)

1. The petitioner is seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.77 dated 08.06.2021, under Sections 302, 397, 392, 201, 216/34 IPC and Sections 25/27/29 Arms Act, registered at Police Station, Jhansa, District Kurukshetra, Haryana.

2. Learned counsel for the petitioner *inter alia* contends that a false and fabricated case has been planted upon the petitioner, which is evident from a perusal of the FIR, which has been annexed as Annexure P-

1. While drawing the attention of this Court to the FIR, she has submitted that it was registered against unknown person and there were no suspicion

raised qua the involvement of the petitioner in the murder of Mohammad

Adnan. It has still further been submitted that there is no likelihood of the trial concluding in the near future as only 12 prosecution witnesses, out of the 34 cited, have been examined till date. He submits that in the circumstances, further incarceration of the petitioner, who has been in custody since 15.07.2021, would serve no useful purpose.

3. Per contra, learned State counsel, while opposing the prayer and submissions made by the counsel opposite, has submitted that the deceased was a taxi driver. On the fateful day i.e. 05.06.2021, his taxi had been hired by an Army personnel for taking him to Jammu; while returning to Shamli, the deceased even had a telephonic conversation with his family and everything seemed normal till then. However, soon thereafter, the mobile phone of the deceased was unreachable and untraceable. Subsequently, his dead body was recovered at the culvert of the Bhakhra Canal. Learned State counsel has submitted that during investigation, it had come to the fore that the petitioner along with the co-accused hired the taxi of the deceased after he crossed Ambala; the petitioner, who was seated behind the deceased on the rear seat of the car, fired at the neck of the deceased. The motive to commit the alleged crime was to rob the deceased of his taxi. Learned State counsel has still further submitted that during investigation, not only the blood stained clothes of the three accused, including the petitioner, were recovered, but even the weapon of offence used in the crime, was recovered; the FSL report also corroborated that the recovered weapon had been used in the murder of the deceased. Learned State counsel has also brought to the notice of this Court that the petitioner is man of criminal antecedents, as he is involved in 05 other criminal cases in the States of Rajasthan and Punjab.

relevant material on record.

5. Prima facie, there are serious allegations levelled against the petitioner; he is alleged to have fired the fatal shots on the deceased, whose taxi they hired with the intent to rob. The petitioner is, admittedly, involved in a number of criminal cases in different States. In the facts and circumstances, enumerated hereinabove, this Court does not deem it fit to extend the concession of bail to the petitioner.

6. Dismissed. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

15.02.2024

Ajay Prasher

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