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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M No.48706 of 2024
Date of decision: 28.11.2024

Vikas **..... Petitioner**

versus

State of Haryana **..... Respondent**

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Gourav Jain, Advocate
for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

Mr. Satpal Sachdeva, Advocate for
Mr. Ankit Bishnoi, Advocate
for the complainant.

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RAJESH BHARDWAJ J.

1. Present petition has been filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 praying for the grant of regular bail to the petitioner in case bearing FIR No.34, dated 01.03.2021, under Sections 302, 341, 506, 212, 120-B and 201 of IPC and Section 25 of Arms Act, registered at Police Station Bhattu Kalan, District Fatehabad.

2. Succinctly the facts of the case are that the FIR in the present case was lodged on the statement of Stalin son of Rajender Singh. It was alleged that on 01.03.2021, he along with his cousin, namely, Swatantar Singh was coming in his car from village Mehrana to Government School Ramsara to meet his brother, namely, Jitender Singh alias Piki. At about

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1.40 p.m., when they were turning to the street of Ramsara School, they saw that his brother, Jitender Singh @ Piki was coming out of the School in his car, in the meantime, two young persons riding on the motor cycle put their motor cycle in front of the car of his brother. Both of them started firing at his brother, namely, Jitender Singh @ Piki indiscriminately while he was sitting in his car. His brother got down from his car and in order to save his life, he ran through the school gate. The assailants chased him and shot his brother with pistols in their hands. They raised alarm to save his brother but in vain. In the meantime, his brother, Jitender entered the School's office and one of the assailants also entered behind him. After firing at his brother, Jitender Singh and being satisfied that he is dead, the assailants ran away from the School flaunting their pistols in their hands. They brought their brother, Jitender in an ambulance to the Government Hospital Fatehabad, where the Doctor declared him dead. It was prayed that two unknown persons have murdered his brother and the action be taken. On the registration of FIR, the investigation commenced. During the investigation, the assailants were identified by the Investigating Agencies and the petitioner was arrested on 21.03.2021. The petitioner approached the Court of learned Additional Sessions Judge, Fatehabad praying for the grant of anticipatory bail. However on hearing both the sides, the learned Additional Sessions Judge, Fatehabad finding no merit, dismissed the petition filed by the petitioner vide order dated 31.08.2024. Hence the petitioner has approached this Court praying for the grant of regular bail by way of filing the present petition.

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3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in the present case. He has submitted that during the investigation, co-accused, Vinod and co-accused, Mukesh Kumar were also arrested. He has submitted that it is the co-accused, Mukesh Kumar, who suffered disclosure statement regarding hatching of the criminal conspiracy with the present petitioner. He has thus submitted that the petitioner has been implicated on the basis of disclosure statement of the co-accused and there is no credible evidence against the petitioner. He has submitted that the petitioner is behind bars since the date of his arrest i.e. 21.03.2021. He has submitted that co-accused, Vinod, Sunil @ Sonu, Ravinder @ Monu, Kanhaiya Lal, Mukesh, Anil, Neetu @ Neetu Bajia and Jagdish @ Bablu have been enlarged on bail. He has submitted that till date, the prosecution has not been able to conclude the trial and thus, in the facts and circumstances, the petitioner deserves to be granted bail.

4. *Per contra* learned counsel for the State has vehemently opposed the submissions made by learned counsel for the petitioner. He has submitted that the petitioner cannot claim parity with the co-accused, who have been granted bail. He has submitted that it has been established during the investigation that the petitioner along with his co-accused, Anil Punia fired shots upon the deceased and he has been duly identified by the complainant, who appeared before the trial Court as PW-4. He submits that out of 68 prosecution witnesses, only 05 have been examined so far. He submits that the petitioner is involved in one more case. He has submitted that from the facts and circumstances, it is apparent that

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granting bail to the petitioner would adversely effect the ongoing trial and thus, there being no merit in the present petition filed, the same deserves to be dismissed.

5. Learned counsel for the complainant has also opposed the submissions made by learned counsel for the petitioner.

6. Heard.

7. On hearing learned counsel for the parties and perusing the record, it is deciphered that the occurrence in the present case had taken place on 01.03.2021. FIR was registered on the basis of statement of complainant, namely, Stalin, who has witnessed the occurrence. The petitioner was arrested in this case on 21.03.2021. The complainant, who appeared before the trial Court as PW-4 has duly identified the petitioner, who had fired upon the deceased. The deceased had suffered several bullet injuries. As submitted before this Court, only 05 witnesses have been examined so far, out of 68 prosecution witnesses.

8. In the considered opinion of this Court and looking into the facts and circumstances of the present case, granting bail to the petitioner at this stage would adversely effect the ongoing trial and thus, finding no merit in the present petition, the same is hereby dismissed. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

(RAJESH BHARDWAJ)
JUDGE

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

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