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

**CRM-M No.1300 of 2025
Date of Decision: 29.04.2025
Reserved on: 25.04.2025**

Vikash @ Vikas

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Khushwant Saharan, Advocate,
for the petitioner.

Mrs. Sheenu Sura, DAG, Haryana,
for the respondent-State.

MANISHA BATRA, J.

1. The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in case bearing FIR No. 276 dated 25.12.2022 registered under Sections 302, 120-B read with Section 34 of IPC (Sections 394, 397, 201 and 404 of IPC and Section 25 of Arms Act, 1959 added later on) at Police Station Bahuakbarpur, District Rohtak.

2. As per the allegations, on 24.12.2022, victim Anil Kumar Arora, who was a retired army personnel and was doing work of Network marketing in Forsage company, had left his house at about 10:00 AM by informing his family members that he was going to Rohtak as he had received a call from someone. He did not return till evening. The

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complainant made repeated calls to his father but he did not respond. At about 10:00 PM, the phone of his father was picked up by some police official, who informed that his dead body was found lying on the *kacha* path near the Rajvaha of village Muradpur Tekhna. His car was also lying at the same spot. FIR was registered against unknown person. Investigation proceedings were initiated. Post-mortem examination of the dead body of the victim was conducted.

3. As per the further allegations, during the course of investigation, statement of Sidharath son of the victim had been recorded, who informed that the victim had disclosed to him that he was doing share market business with accused Sachin and since a dispute had arisen between him(victim) and accused Sachin on money transaction, he was going to meet Sachin to sort that out. He raised suspicion that the victim had been murdered by Sachin along with his accomplices. Accused Sachin was arrested on 25.12.2022. He suffered disclosure statement to the effect that he along with the present petitioner and Nishant @ Nishu had committed murder of the victim. The petitioner and co-accused Nishant @ Nishu were arrested on 26.12.2022. The petitioner got recovered shawl and knife used in the crime. Offences under Sections 394, 397, 201 and 404 of IPC and Section 25 of Arms Act, 1959 were added. Investigation stands completed and the petitioner along with the co-accused is facing trial for commission of offences.

4. It is argued by learned counsel for the petitioner that he has

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been falsely implicated in this case on the basis of confessional statement of accused Sachin which cannot be considered to be admissible in evidence. He was not named in the FIR. A false recovery has been planted upon him. In his sworn deposition, the complainant did not depose anything against him. He is in custody since long. Trial would take considerable time. Therefore, it is urged that he deserves to be released on bail.

5. Status report has already been filed by respondent-State. It is argued by learned Deputy Advocate General, Haryana that the victim had been brutally murdered. He had sustained as many as 18 injuries, which were all incised wounds. The knife used in the occurrence and the blood stained shawl worn by the petitioner at the time of occurrence has been recovered from him. The allegations against the petitioner are serious in nature. There is nothing on record to show that there would be any undue delay in conclusion of the trial. Therefore, it is urged that the petition does not deserve to be allowed.

6. I have heard learned counsel for the parties at considerable length and have gone through the record carefully.

7. The petitioner is alleged to have hatched a conspiracy with the co-accused and in pursuance thereof, he is alleged to have committed murder of the victim. The complainant Rohit Arora has been examined before the learned trial Court as PW-1. Copies of his sworn deposition as well as other family members of the victim have been produced on record and the same show that none of them has made deposition as against the petitioner. However, since neither of them was an eye-witness to the murder

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of the victim, therefore, no benefit can be drawn from the fact that they have not identified the petitioner as one of the assailants. The allegations against the petitioner are quite serious in nature. The incriminating articles have been recovered at his instance. The mere long period of incarceration in jail itself can not be considered to be a ground for entitling the petitioner to be enlarged on bail. It is well settled proposition of law that where offences alleged are serious and grave in nature, long period of incarceration and the fact that the trial is not likely to be concluded in near future may not be a ground entitling the accused to be released on bail. Keeping in view the nature of the accusations as levelled against the petitioner, the quantum of sentence which the conviction may entail and the attendant facts and circumstances but without meaning to make any comment on the merits of the case, I am of the considered opinion that the petition does not deserve to be allowed. Hence, the same is dismissed.

8. Since the main petition has been dismissed, pending application, if any, is rendered infructuous.

29.04.2025
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No