

2025:PHHC:054891



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

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CRM-M-8214-2024

Date of decision: April 29, 2025

VISHVAJEET @ GHISSU

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Siddharth, Advocate
for the petitioner.

Mr. Rajat Gautam, Addl. A.G., Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

1. The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.98 dated 09.06.2020 under Sections 147, 148, 285, 302, 120-B, 506 of IPC, 1860 and Section 25/54/59 of the Arms Act, 1959, registered at Police Station Dujana, District Jhajjar (Annexure P-1).

2. Learned counsel for the petitioner submits that a perusal of the FIR in question (Annexure P-1) reveals that it is a case based on ocular testimony of the complainant (son of deceased-Manju). It was alleged in the FIR that the petitioner along with another unknown boy had fired indiscriminately towards the deceased, as a result of which, she succumbed to her injuries. Learned counsel has submitted that the petitioner being falsely implicated in the present case is evident from the fact that the material witnesses including the complainant, alleged eyewitness, while stepping into the witness box, did not support the case of the prosecution, as



a result of which, he was declared hostile. It has been argued by the learned counsel that in the aforementioned facts and circumstances, since the petitioner is apparently innocent, his further incarceration would serve no useful purpose as 50 witnesses out of the 57 cited by the prosecution remain to be examined; all the material witnesses already stands examined.

3. *Per contra*, learned State counsel, while opposing the prayer and submissions made by the counsel opposite, has not disputed that the case at hand is based on eyewitness account and the complainant, while deposing before the learned trial Court, had been declared hostile on account of non-identification of the petitioner as being the alleged assailant. However, learned State counsel has reiterated the allegations levelled in the FIR and has asserted that the complainant was one over and that probably was the reason why he had deposed contrary to the allegations levelled in the FIR, which stands reproduced hereinunder: -

“To SHO Saheb Police Station Dujana, Sir, my humble request is that I, Ankit, son of Satpal, am a resident of village Gudha and am studying in class 12th. We are three members of the family, I, my mother Manju and sister (Reshma) are married. I and my mother live in this house. Today, on 9/6/20, at around 5 AM, I was sleeping in the upstairs room of my house. My mother was sleeping downstairs in the house. I heard the sound of gunshot. When I looked down from the terrace, I saw Vishwajeet alias Ghisu son of Baljeet who is from my village and another boy whose name I don't know, I could recognize when they came in front. They had weapons in their hands and in front of me they fired two five six bullets and shot my mother,



due to which my mother fell on the floor of the house Joe Vishwajeet alias Ghisu saw me on the terrace and pointed his weapon at me and said that he would not leave anyone alive in the family. Vishwajeet and other boys along with their weapons sat in a vehicle parked in the street, Bareja, in which three other boys were also sitting. Which I could not see clearly. Vishwajeet, sitting on the driver's seat, took out his hand and fired in the air, spreading terror with the weapon, while Bareja ran away in the car. When I ran downstairs, I saw that my mother had died on the spot due to bullet injury. Four-five years ago, my mother Manjeet's son Rajbir's sister Manju had eloped with her mother. Due to which, Manjeet's family had suspected my mother that my mother had a hand in the escape of Manju. Keeping this grudge, Vishwajeet conspired with his friends Manjeet and Harish's son Naresh resident of Gudha and two of his other friends. Together they have murdered my mother. Strictest legal action should be taken against Vishwajeet, Manjeet, Harish and two other associates.”

4. On a further query, learned State counsel, on instructions, has not disputed that the petitioner has been in custody since 19.06.2020, as many as 7 prosecution witnesses including material witnesses and complainant stand examined and 50 prosecution witnesses remain to be examined.

5. I have heard learned counsel for the parties and perused the relevant material placed on record.

6. The instant case is based on an eyewitness account of the complainant. The complainant, who is also the son of the deceased, however,



as per the instructions received by the learned State counsel, was declared hostile during trial. Other than the complainant, there is no other eyewitness to the occurrence in question. In the facts and circumstances as enumerated hereinabove, further incarceration of the petitioner would serve no useful purpose as the trial would take considerable time to conclude, given that as many as 50 prosecution witnesses still remain to be examined.

7. In view of the above, this Court deems it fit to allow the instant petition, and extend the concession of regular bail to the petitioner.

8. The petition as such is allowed, and the petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate. 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.

9. Needless to add here, in case the petitioner is found misusing the concession of bail, the State would be at liberty to approach this Court to seek cancellation of bail to him.

April 29, 2025
Jaspreet Kaur

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*