

2025:PHHC:058057



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

211

CRM-M-15709-2025 (O&M)

Date of decision: May 03, 2025

VAKIL @ VAKILI

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Saransh Sabharwal, Advocate
for the petitioner.

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

MANJARI NEHRU KAUL, J.

1. The instant petition has been filed under Section 483 of BNSS, 2023 for grant of regular bail to the petitioner in case FIR No.37 dated 27.09.2021 under Sections 148, 149, 302, 307, 427 of the IPC, 1860 (and Sections 201 and 120-B IPC added later on), registered at Police Station Sector-7, District Panchkula (Annexure P-1).

2. Learned counsel for the petitioner submits that false implication of the petitioner in the crime in question is evident from the fact that the complainant, who allegedly witnessed the murder of Rinku s/o Amrjit, had not supported the case of the prosecution and failed to identify the petitioner as being one of the alleged assailants, who inflicted injuries on the person of the deceased. It has been further argued by the learned counsel that all the material witnesses stand examined, hence, further incarceration of the petitioner would serve no useful purpose since 30 prosecution witnesses still remain to be examined and therefore, the possibility of the trial concluding in the near future does not arise.

3. *Per contra*, learned State counsel, on instructions, while opposing the prayer and submissions made by the counsel opposite, has not disputed the custody period of the petitioner nor has he, on instructions, disputed that the complainant, who is also an eyewitness to the crime in



question, had been declared hostile during trial. However, it has been asserted that one of the prosecution witnesses PW-2 Anand Singh had testified that the petitioner along with co-accused Pardeep had come to the spot armed with *gandasis*; on a hue and cry raised, PW-2 Anad Singh fled away from the spot fearing for his life and when he returned after a while, he found the deceased lying dead with injuries all over his body. Learned State counsel has submitted that pursuant to a disclosure statement allegedly suffered by the petitioner himself, the weapon of offence i.e. *gandasi* was recovered, having blood stains on it; as per the postmortem report and the opinion of the doctor, the possibility of the deceased sustaining injuries from the recovered weapon of offence could not be ruled out.

4. Learned State counsel has further submitted that no doubt the complainant and all other material witnesses except PW-2 Anand Singh have not supported the case of the prosecution in its entirety, however, it could be for reasons but obvious that is they had been won over. It has also been submitted that the petitioner has previous criminal antecedents as he is involved in 5 other criminal cases. In addition, learned State counsel has reiterated the allegations levelled in the FIR, which stands reproduced hereinunder:

“Statement of Rinku s/o Suraj Bhan resident of H. No. 152, Power Colony, Phase-2, Sector 19 and age about 34 years Mb.no 77430 52202, stated that I am resident of above address and I am doing the business of sale and purchase of second hand vehicles. On dated 26.09.2021 in the night, I along with my friends Rinku son of Amarjit resident of Ropar and Anand resident of Himshikha Colony, Panchkula were coming to Majri Chowk in my car bearing registration no. HR05-6636, after having dinner at Simran Hotel, Mamta Enclave in Zirakpur. At about 11.30 PM we stopped near Majri Chowk Bus Stop, two cars and two motorcycles stopped near our car and around 10/12 persons got down, who were in possession of swords, gandasi and dandas and they started vandalizing my car with their weapons, then all three of us got out of the car and started running to save our lives and then one of them, Shekhar



resident of Maheshpur raised lalkara and said that all these should not be spared. The boys who came with them namely Joni alias Pardeep resident of Khadak Magauli presently residing at Handesara, Pappi son of unknown resident of Sector 20, Vakeeli son of unknown resident of Kharak Mangauli, Manish alias Bahadur son of Jagbir resident of Kharak Mangauli, Babbi resident of Fatehpur Sector 20, Panchkula, Bada Bahadur son of Mangu and other 7/8 boys, I can recognize them when they come in front of me, in connivance of each other, attacked on Rinku son of Amarjit with their weapons and injured his face or head and we all ran towards Colony to save our lives, while running I saw Rinku was lying down and everyone was attacking him with weapons. At that time, we were entered in Kharak Magauli to save our lives. Thereafter, about 10/15 minutes, when we came back at the spot then we saw that Rinku was lying dead on the ground and a lot of blood was scattered on the spot. Rinku son of Amarjit has been killed by all the above mentioned people together with swords, gandasi or sticks and the same has been done by the above persons due to old rivalry. Legal action should be taken against all of them. I have gave my statement to you in written and I had read the same and same is correct.”

5. Learned State counsel has submitted that a perusal of the FIR, which stands extracted hereinabove reveals that the petitioner has been specifically named by the complainant and attributed a role in the crime in question.

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

7. The petitioner has been in custody since 28.09.2021. Although as per the projected case of the prosecution, it is based on eyewitness account, however, all the material witnesses including the complainant, apart from PW-2 Anand Singh, had been declared hostile. No other material witness remains to be examined as per the instructions received by the learned State counsel. The trial is unlikely to conclude in the near future as 30 prosecution witnesses still remain to be examined.



8. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to allow the present petition, and extend the concession of regular bail to the petitioner.
9. Accordingly, the instant petition is allowed, and the petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned. Since the petitioner is stated to be involved in other criminal cases, learned trial Court/Duty Magistrate concerned, while admitting the petitioner to bail, may put him to any stringent conditions as it deems fit so that he cooperates with the trial during the period of his bail.
10. 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.
11. 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.

May 01, 2025
Jaspreet Kaur

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*