



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

213

CRM-M-22091-2025

Date of decision: May 2nd, 2025

Vikram alias Bikka

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Rajesh Kumar Dhankhar, Advocate
for the petitioner.

Mr. Yuvraj Shandilya, Assistant Advocate General,
Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner is seeking the concession of regular bail in FIR No.309 dated 22.10.2023 under Sections 148, 149, 302, 120-B of the IPC registered at Police Station Siwani, District Bhiwani.

2. Learned counsel for the petitioner submits that the petitioner was neither named in the FIR (Annexure P-1) nor suspected of involvement at the time of its registration. The FIR, lodged by Anil Kumar, brother of deceased Vikram, states that upon learning of a quarrel involving the deceased and certain persons, the complainant rushed to the spot, but found only his injured brother, who was promptly taken to a hospital. On the way, the deceased, while still alive, named five individuals with whom he had prior enmity, alleging that they, along with two to three unidentified persons, had assaulted him with iron rods and sticks.

3. It is contended that the name of the petitioner does not find mention in this dying declaration of the deceased. It has been further argued by the learned counsel that the petitioner had no motive to harm the deceased, and if such motive existed, his name would have appeared in the statement of the deceased. It is also submitted that the petitioner was implicated only subsequently on the basis of disclosure statements made by co-accused Samarjeet and Mukesh, who themselves were arrested pursuant to the statements of the main accused named in the FIR.

4. It has still further been submitted that the petitioner has no previous criminal antecedents. The final report has already been presented and charges have been framed. However, only one out of 57 prosecution witnesses has been examined so far, and therefore, there is no likelihood of an early conclusion of trial. It has been asserted that the complainant, who is the most material witness and who set out the alleged motive for the incident, has already been examined.

5. It has lastly been submitted that a video recording allegedly capturing the incident was recovered during investigation, but the petitioner is not even visible in the footage. A copy of the video has been placed on record along with a pen drive.

6. *Per contra*, learned State counsel has opposed the prayer and submissions made by the counsel opposite. However, learned State counsel, on instructions, has not disputed that the petitioner was neither named in the FIR nor suspected initially. He further concedes, on instructions, that the petitioner was nominated only on the basis of disclosure statements made by co-accused Samarjeet and Mukesh. It has also not been disputed that no specific motive to commit the crime in

question has been attributed to the petitioner. Learned State counsel has further confirmed, on instructions, that the complainant has already been examined and that the petitioner has no previous criminal antecedents.

7. I have heard learned counsel for the parties and perused the material placed on record, including the FIR, which stands reproduced hereinunder:

“To, The Police Post, In-charge, Jhumpa Kalan. Sir, It is requested that I Anil Kumar son of Shri Kuldeep Singh am resident of Garwa. We were two brothers. My elder brother was Vikram Kumar. My brother Vikram, left on 21.10.2023 at around 7 PM saying that there is a Birthday of Vikas son Mandrup Singh resident of Garwa. He has called me there for a party. On 22.10.2023 at around 01.00 AM, I got a call from Sandeep son of Shri Dharampal resident of Garwa that Vehicle of Vikram is parked near the field of Vikas near the Jinga Farm on the road of Suratpura and they are quarreling with Vikram. Thereafter, I came to know that Vikas son of Mandrup, Krishan son of Sumer Jakhar resident Surpura, by keeping the old rivalry in their mind with my brother Vikram for the fight occurred in the year 2019, Krishan son of Sumer resident of Surpura, Sumit son of Bhagwan Singh resident of Garwa, Vikas son of Mandrup resident of Garwa, Parveen son of Dilbag resident of Garwa, Akshay son of Mai Chand resident of Garwa and 3-4 other persons in connivance with each other were attacking with the intention of killing with edged weapons in their hands, Sticks (Dandas), iron rod and Rods (Saria). As soon as I reached at the spot then all those persons were running away from the spot. After that I and my brothers Sombir of Rajbir, Vikas son of Rajbir, Rajbir son of Ganpat Ram picked up my brother Vikram from the spot and left for Hisar for treatment. On the way my brother Vikram told that Vikas, Akshay, Sumit, Krishan, Praveen and 3-4 other persons together

keeping in mind the old rivalry beat me badly with sticks, rods, iron rods and edged weapons with the intention to kill me. After going to Hisar Hospital, the doctors declared my brother Vikram dead. Hence, It is requested you to give the strict punishment to the murderers of my brother and get us justice.”

8. The prosecution case is primarily based on the oral dying declaration of the deceased and subsequent disclosure statements of co-accused. Apart from these disclosure statements, no substantive evidence directly implicating the petitioner in the incident has been brought to the notice of this Court by the learned State counsel.

9. It is settled law that disclosure statements of co-accused, without independent corroboration, are of limited evidentiary value. The absence of any direct motive, the fact that the complainant has been examined, the protracted nature of the trial, and the clean antecedents of the petitioner are all relevant considerations.

10. In the facts and circumstances of the case, further incarceration of the petitioner would serve no useful purpose, particularly when the trial is unlikely to conclude in the near future and the petitioner has no previous criminal antecedents.

11. Accordingly, the instant petition is allowed and the petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned. 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.

May 2nd, 2025
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No