



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-33104-2024

Reserved on: 26th May, 2025

Pronounced on: 29th May, 2025

Sandeep Kumar @ Sandy

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Atul Lakhanpal, Senior Advocate with
Ms. Shikha Charak, Advocate for the petitioner.

Mr. Neeraj Poswal, Assistant Advocate General, Haryana.

Mr. Harlove Singh Rajput, Advocate for the complainant.

MANISHA BATRA, J :-

The instant one is the second petition for grant of regular bail in case arising out of FIR No. 66 dated 02.03.2020 registered under Sections 302, 34 and 120-B of IPC and Section 25 of Arms Act, 1959 (Sections 201, 411 and 115 of IPC added later on) at Police Station Civil Lines, Hisar, District Hisar. His previous petition bearing CRM-M-21051-2023(O&M) had been dismissed as withdrawn vide order dated 09.04.2024.

2. The aforementioned FIR was registered on the basis of statement recorded by the complainant Sushma alleging therein that, in the morning of 02.03.2020, her husband had gone outside the house and in the street to put garbage in the garbage van. She was inside her house and heard sounds of busting some crackers. She came outside and found her husband



lying on the ground, whereas one youth wearing helmet was firing shots with a pistol towards her husband. One more youth was also found standing by the side of the assailant. Both of them fled away on a motorbike, which they had parked in the street. The victim was rushed to the hospital but had succumbed to his injuries. Raising suspicion that some residents of village Sulakni were nursing grudge against her husband and might have a hand in the homicidal death of her husband, she prayed for taking action. On her complaint, the aforementioned FIR was registered. Investigation proceedings were initiated. Post-mortem examination of dead body and inquest proceedings were conducted. The accused Vinod @ Das was arrested on 03.03.2020. He was interrogated and suffered disclosure statement admitting his involvement in the crime and also about the active participation of the present petitioner Sandeep, who had fired shots at the victim. The petitioner was arrested on 15-03-2020. He too suffered disclosure statement on interrogation and got recovered one pistol and a live cartridge. Co-accused Mehandeep and Sushil were also arrested subsequently. Investigation now stands completed. The petitioner along with the co-accused is facing trial for commission of aforementioned offences.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. There was no eyewitness to the murder of the victim and in fact, it was a blind murder. The complainant had reached at the place of occurrence after it had already taken place. The petitioner was not named in the FIR. He even could not be identified from the CCTV footage of the camera installed in the vicinity. The complainant did not identify the petitioner during trial. The bullet recovered from the



dead body of the victim has not matched with the weapon allegedly recovered from the petitioner, nor the same has matched with the cartridges found at the spot. Trial would take considerable time to conclude. His further incarceration would not serve any useful purpose. It is, therefore, argued that he deserves to be released on bail.

4. Status report has been filed. It is argued by Learned State counsel assisted by learned counsel for the complainant has argued that the allegations against the petitioner are grave in nature. The complainant has duly identified the petitioner in the CCTV footage in which the details of the incident have been captured. Her daughter has also identified the petitioner. The co-accused Vinod was duly also identified by the complainant and her daughter, who too was eyewitnesses to the occurrence. Trial is going on at a proper pace. The prolonged custody of the petitioner in such like cases cannot be considered a reason for extending benefit of bail to the petitioner. Trial can be expedited further. With these broad submissions, it is urged that the petition does not deserve to be allowed.

5. Rival contentions raised by learned counsel for the parties have been considered.

6. As per the case of the prosecution, the petitioner along with the co-accused had murdered the victim on 02.03.2020. Annexure P-7 is copy of sworn testimony of the complainant Sushma and a perusal of the same reveals that she fully supported the prosecution version and also identified the petitioner as well as the co-accused from the CCTV footage of the camera, which was installed in the vicinity. Though she did not identify the petitioner when he was shown to this witness through video conferencing



facility from Central Jail Hisar, however, from this fact alone, no inference at this stage qua the innocence of the petitioner can be drawn. Annexure P-8 is copy of sworn testimony of PW-10 Shallu, daughter of the complainant, who deposed about eye witnessing the factum of incident and identified the petitioner and co-accused as the assailant. She is shown to have supported the prosecution version. The allegations against the petitioner are quite grave in nature. Substantial number of prosecution witnesses have already been examined. It is well settled law that mere long period of incarceration in jail would not be *per se* a ground for grant of bail, if the offence is serious in nature. In view the discussion as made above 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.

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

[MANISHA BATRA]
JUDGE

29th May, 2025
Parveen Sharma

1. Whether speaking/ reasoned	:	Yes / No
2. Whether reportable	:	Yes / No