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

CRM-M-31329-2025**Date of Decision: 04.07.2025**

Vikram Nain

...Petitioner

vs.

State of Haryana

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Mohit, Advocate with
Mr. Pavitra, Advocate
for the petitioner.

Mr. Rupinder Singh Jhand, Addl. Advocate General, Haryana.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the second petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 with a prayer to grant regular bail to him in case FIR No. 245 dated 07.10.2021 registered under Sections 304, 34 of IPC, Section 25 of Arms Act, Sections 147, 148, 149, 120-B of IPC (added later on), at Police Station Bhuna, District Fatehabad, however, charges framed for the offences under Sections 148, 302, 120-B of IPC and Section 25 of the Arms Act.

2. The FIR in the present case was registered on the basis of the statement made by Somnath to the effect that he had two sons, namely, Rajesh alias Raja and Pankaj Kumar. On 06.10.2021, he along with his younger son Pankaj were coming back to their village in their car. At about 10.15 p.m, when they reached near the plot of Balraj, suddenly, the tyre of the car got punctured. Pankaj Kumar, son of the complainant came out of the car to check the same and at the same moment, 2-3 unknown persons came on a motorcycle. One of

them was wearing helmet and was carrying a pistol in his hand. They all started quarreling with his son and started firing upon his son with a pistol. Out of fear, when his son ran towards the plot of Balraj, unknown persons fired indiscriminately on him and he succumbed to the injuries suffered in the firing incident. The complainant raised hue and cry and the villagers came at the spot and his son was shifted to Government Hospital, Bhuna where he was declared dead.

3. Learned counsel for the petitioner contends that neither the petitioner was named in the FIR nor any specific role was attributed to him. Even during inquest proceedings, the statements of the complainant and his another son Rajesh @ Raja were recorded, but both the witnesses have not even raised any suspicion over the involvement of the petitioner in the crime. On 09.10.2021, i.e. three days after the occurrence, the supplementary statement of Rajesh @ Raja was recorded and he raised allegations against 8 accused including the present petitioner. Learned counsel further contends that even as per the admitted case set up by the prosecution, the petitioner was not present at the place of occurrence and had conducted recce of the place of the occurrence. Finally, he was arrested in the instant case on 04.05.2022 and is continuing in custody for the last more than 03 years and 02 months. He further contends that ever during the course of investigation, neither the test identification parade was got conducted by the police and the prosecution has wrongly shown the recovery of five live cartridges of .32 bore from the present petitioner, which does not connect the petitioner with the criminal in any manner. By referring to the orders (Annexures P-7 to P-9), learned counsel for the petitioner further

contends that Sukhjinder @ Sukha @ Sukhwinder, Parveen @ Pinni and Harkaran Singh alias Karan have already been admitted to bail by this Court.

4. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner was the main accused and the murder was committed by the other accused at his instance. Learned State counsel further submits that even prior to the occurrence, recce near the house of Raja Thekedar was conducted by the present petitioner and his active participation in the crime stood established during the course of investigation. He further contends that the petitioner is involved in 06 more cases and being a hardened criminal, he does not deserve the concession of bail by this Court.

5. I have heard the learned counsel for the parties and perused the record.

6. No doubt, the allegations levelled against the present petitioner are serious in nature. However, this Court has to maintain balance between the rights of an individual and the rights of prosecution and the witnesses of the case. In the present case, the petitioner is continuing in custody for the last 03 years and 02 months and the prosecution has been able to examine only 12 witnesses, out of total 42 witnesses so far. Even the material witnesses have been examined by the prosecution and there are no chances of tampering with the evidence in any manner.

7. At this stage, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial

Court/Duty Magistrate/Chief Judicial Magistrate, concerned, subject to the following conditions:-

- (i) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.*
- (ii) The petitioner shall remain present before the Court on the dates fixed for hearing of the case.*
- (iii) The petitioner shall not absent himself from the Court proceedings except on the prior permission of the Court concerned.*
- (iv) The petitioner shall surrender his passport, if any, (if already not surrendered), and in case he is not holder of the same, he shall swear an affidavit to that effect.*
- (v) The petitioner shall also file his affidavit before the concerned Court, mentioning his ordinary place of residence and number of mobile phone, which shall be used by him during the pendency of the trial. In case of change of place of residence/mobile number, he shall share the details with the concerned Court/learned Trial Court.*
- (vi) In case, the petitioner involves in any other criminal activity, during the pendency of the trial, it shall be viewed seriously.*
- (vii) The concerned Court may insist on two heavy local sureties and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the petitioner.*

(N.S.SHEKHAWAT)
JUDGE

04.07.2025
hemlata

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No