



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

224

**CRM-M-45342-2025
Date of decision: 29.09.2025**

RAJIV

....Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present : Mr. Amit Agnihotri, Advocate for the petitioner.

Mr. R.K. Ambavta, DAG, Haryana assisted by SI Manoj Kumar.

YASHVIR SINGH RATHOR. J.(Oral)

1. Present petition under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 has been filed for grant of regular bail to the petitioner in case FIR No.88 dated 29.05.2020, under Sections 109, 302, 201, 34, 212 of IPC, read with Section 25(1AA) 29-A and 29-B of Arms Act, registered at Police Station New Colony Gurugram.
2. Brief facts of the prosecution case are that on 29.05.2020, one Vikas Dureja was shot dead, while he was travelling in his car bearing registration No.HR-26-DH-0143. After the police reached the spot, 05 bullets and empty shells were recovered and his wife-Jyoti lodged the FIR with the allegations that some unknown persons have committed the murder of her husband. During the course of investigation, it was found that one Naveen, s/o Jay Singh, who was in custody in FIR No.234 dated 10.06.2020, registered at Police Station Sector 10, Gurugram for the commission of offence punishable under section 25(1-B) (a) of Arms Act, has admitted his involvement in the commission of the present crime.



- 2-

Thereafter, he was joined in the investigation of the present case and was arrested on 11.06.2020, wherein he suffered disclosure statement to the effect that he knew Naveen s/o Sukhbir and Vikas @ Malle, who belong to “Kaushal gang” and they told him that Vikas (deceased) was creating hurdles for them and they wanted to eliminate him. Thereafter, he arranged two pistols from one Pawan and handed over the same to Naveen s/o Sukhvir and Vikas @ Malle, who have committed the murder. Thereafter, he demarcated the scene of crime. After completion of investigation qua accused Naveen s/o Jai Singh, final report was presented and offence under Section 120-B IPC was substituted with offence under Section 109 IPC and offences under Sections 25(1) AA, 29(a) and 29(b) of Arms Act were also added. Accused Naveen s/o Sukhbir and Vikas were declared proclaimed offenders by the Court. Thereafter, accused Vikas was arrested on 25.11.2022 and he admitted his involvement in the present crime. He further disclosed that he is a member of “Kaushal gang” and Kaushal had told them to eliminate the deceased. He also disclosed about the complicity of Rohit @ Kartoos, Naveen s/o Sukhvir and Sandeep @ Bandar in the commission of the present crime. He also disclosed that co-accused Naveen s/o Sukhbir and petitioner Rajeev had conducted *recce* and had been keeping an eye on the deceased, while travelling in a Scorpio car, arranged by Kaushal and thereafter, Rohit @ Kartoos and Vikas @ Malle had shot at the deceased, while petitioner Rajeev was driving the Scorpio car in which they all were travelling. After completion of investigation, final report was presented for trial.

4. I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.



- 3-

5. Learned counsel for the petitioner contended that petitioner has been falsely implicated in the present case. Petitioner is in custody since 30.09.2023. Learned counsel further contended that it was a blind murder committed by unknown persons. Petitioner has been nominated as an accused in the disclosure statement suffered by co-accused and after his arrest, he allegedly suffered disclosure statement but the same is not admissible in evidence, as nothing has been recovered from his possession. Out of total 103 witnesses cited by the prosecution, not a single witness has been examined till date and the trial is likely to take a long time to conclude and further detention of the petitioner is thus not required and he may be released on bail.

6. On the other hand, learned State Counsel has opposed the bail and argued that in view of the gravity of the offence, petitioner does not deserve the concession of bail.

7. The offence in question was committed by unknown persons and no one has been named in the FIR. Initially one Naveen s/o Jai Singh named two more persons, namely, Naveen s/o Sukhvir and Vikas @ Malle, as the persons to whom he had supplied the weapons, after procuring the same from one Pawan. Thereafter, petitioner was also arrested 30.09.2023 and he had allegedly committed *recce* of the deceased and was allegedly driving the Scorpio car, when the deceased was shot dead. However, the only evidence against the petitioner is the disclosure statements of co-accused and his own disclosure statement. As to how much evidentiary value will be attached to the disclosure statements shall be the subject matter of the trial. Petitioner is in custody since 30.09.2023 and out of total 103 witnesses cited by the prosecution, not a single witness has been



examined till date. Therefore, trial is likely to take sufficiently long time to conclude and no useful purpose will thus be served by detaining the petitioner in custody.

8. Having regard to the aforesaid factual position, but without commenting anything upon the merits of the case, the present petition is allowed and petitioner is ordered to be released on bail on furnishing bail bonds and surety bonds to the satisfaction of learned Trial Court concerned, on usual terms and conditions.

29.09.2025
amandeep

(YASHVIR SINGH RATHOR)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No