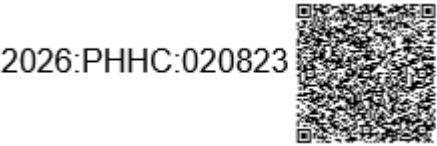


IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH



CRM-M-27016-2025 (O&M)

Vikas @ Diljale... Petitioner

Vs.

State of Haryana... Respondent

1.	The date when the judgment is reserved	04.02.2026
2.	The date when the judgment is pronounced	11.02.2026
3.	The date when the judgment is uploaded on the website	11.02.2026
4.	Whether only operative part of the judgment is pronounced or whether the full judgment is pronounced	Full
5.	The delay, if any, of the pronouncement of full judgment, and reasons thereof	Not applicable

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Siddarth, Advocate for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

...

Manisha Batra, J. (Oral).

1. This petition has been filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short ‘BNSS’) seeking grant of regular bail in case bearing FIR No.151, dated 10.06.2020, registered under Sections 302 and 34 IPC and Section 25 of the Arms Act, at Police Station Farrukh Nagar, District Gurugram. The previous petition as filed by the petitioner had been dismissed on account of the fact that he had

not mentioned the factum of his involvement in other case i.e. his criminal antecedents.

2. The aforementioned FIR was registered on the basis of statement recorded by the complainant – Amardeep @ Sethi, alleging therein that about 02 months back, boxes of country made liquor belonging to his acquaintance Premjeet Khodia were to be delivered to village Khod. The petitioner through him had agreed to deliver the same on his i20 vehicle and in lieu thereof, he was to get a sum of Rs.350/- for each box. His vehicle was, however, apprehended by the officials of CIA, Jhajjar and then the petitioner proclaimed that the complainant would be liable to compensate to the extent of value of the liquor. The complainant refused to do so and a verbal altercation had taken place between them due to which the petitioner started nursing a grudge against him. He further alleged that on the night of 10.06.2020, the complainant along with his co-villager Anil Kumar was present in his house and was consuming liquor when one youth came there and asked for giving him half bottle of country-made liquor. The complainant declined and thereafter that youth went back and sat in a vehicle. The complainant had also come out of his room in the meanwhile and found that two youths alighted from the same and one of them made an exhortation. The complainant rushed towards the street being scared. He heard some noise of firearm shots and found that Anil Kumar had been shot at by those assailants and thereafter, they had fled. After registration of the FIR, investigation proceedings were initiated. The CCTV footage of the camera installed in the vicinity had been collected. Accused Vishavjeet @ Ghissu, who had been arrested in case arising out of FIR No.248, dated

08.06.2020, registered at Police Station Pataudi, suffered a disclosure statement during the course of investigation in that case, thereby admitting his involvement in the present case. On the basis of disclosure statement, the petitioner and some other persons were nominated as additional accused. Accused Harish and Manjeet Panghal were also in custody in connection with some other case. Petitioner was joined into investigation in this case on 05.03.2021. He suffered disclosure statement admitting his involvement in the case and also disclosed the fact that the weapon used by him in the crime was got recovered in another case. Investigation now stands completed and the petitioner along with co-accused is facing trial for commission of the aforementioned offences.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case on the basis of disclosure statement of the co-accused, which cannot be considered to be admissible in evidence. He was not named in the FIR. The complainant has not supported the prosecution version. No specific role has been attributed to him. No recovery has been effected from him. The complainant Amardeep @ Sethi has not even identified him as the assailant. Co-accused Harish, Vishavjeet @ Ghissu and Brijesh have already been extended benefit of bail. On parity, he too deserves to be given the same benefit. No useful purpose would be served by detaining him in custody any more. His involvement in other cases cannot be considered to be a reason for denying benefit of bail to him. It is, therefore, argued that he deserves to be released on bail.

4. Per contra, learned State counsel has argued that the allegations against the petitioner are quite serious. He by hatching a conspiracy with the

co-accused, had robbed one Brezza car from its owner on the evening of 08.06.2020 and then on the intervening night of 08/09.06.2020, had shot one Manju dead, after going to her house situated at village Guda and thereafter, had gone to village Patli, where the victim Anil Kumar was shot at by the petitioner and the co-accused Manjeet, whereas the other co-accused stood guard. The allegations against the petitioner are serious in nature. It is, therefore, argued that he does not deserve to be released on bail.

5. This Court has heard the rival submissions made by learned counsel for the parties.

6. The petitioner by hatching a conspiracy with the co-accused and in order to settle his score with the complainant, is alleged to have gone to his house along with co-accused on the night of 09.06.2020 and fired shots with pistol, thereby killing Anil Kumar, a co-villager and relative of the complainant. Though, the petitioner has placed on record sworn deposition of PW2, complainant, who has not supported the prosecution version but learned State counsel has also placed on record sworn deposition of PW-8 Jagbir, an eye-witness to the occurrence and a material witness for the prosecution, who has unequivocally supported the prosecution case. In his deposition before the Court, he has fully corroborated the prosecution version and has specifically identified the petitioner as one of the assailants involved in the commission of the offence. His testimony, being direct evidence of the occurrence, lends substantial support to the case of the prosecution. The petitioner stands accused of a serious offence. It is well-settled proposition of law that grant of bail is a discretionary relief to be granted or denied based on specific facts and circumstance of each case and

there cannot be any exhaustive parameters set out for considering the application or petition for grant of bail. The factors such as nature of accusations, severity of punishment, if the accusations entail a conviction and nature of evidence in support of accusations are to be seen. That apart, reasonable apprehension of tampering with evidence or threatening the material witnesses is also to be weighed. Frivolity of prosecution should also be considered, and it is only the element of genuineness that has to be considered in the matter of grant of bail. The petitioner is accused of commission of a heinous crime punishable with capital punishment or life imprisonment. While length of incarceration is a factor that weighs with the Court in considering bail, it cannot overshadow the seriousness of the accusation of murder under Section 302 IPC. It is also well settled proposition of law that mere prolonged period of custody or the fact that the trial is likely to take time by itself or coupled with the period of incarceration are not sufficient grounds for enlarging an accused on bail, when the offence alleged is serious. Reference in this context can be had to the observations made in *Parmod Kumar Saxena Vs. UOI, 2008(63) ACC (SC)*, *Chenna Boyanna Krishna Yadav Vs. State of Maharashtra, (2007) 1 SCC, 242* and *State through CBI Vs. Amaramani Tripathi, 2005(4) RCR (Criminal) 280(SC)*.

7. In light of the foregoing legal principles and circumstances as discussed above, this Court finding no compelling ground to allow this petition. Accordingly, the petition is dismissed.

8. It is clarified that any observation made in this order is only for deciding this petition and shall not influence the outcome of the trial and

also not be taken as an expression of opinion on merits.

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

11.02.2026

harjeet

(MANISHA BATRA)
JUDGE

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