

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

2026:PHHC:002827



(213)

CRM-M-66920-2025

Date of Decision: 13.01.2026

Vikram

--Petitioner

Versus

State of Haryana

--Respondent

CORAM:- HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present:- Mr. Mohit, Advocate for the petitioner.

Ms. Chhavi Sharma, AAG, Haryana.

VINOD S. BHARDWAJ.J (Oral)

The instant first petition is for seeking concession of regular bail in case bearing FIR No.245 dated 07.10.2021 under Sections 302, 34 IPC (Sections 147, 148, 149, 120-B IPC added later on) & Section 25 of Arms Act, registered at Police Station Bhuna, District Fatehabad.

2. Learned counsel for the petitioner contends that the petitioner has been nominated as accused in the aforesaid case registered on the statement of Somnath son of Hari Chand, which reads as under:-

“Statement of Somnath S/o Hari Chand R/o Khasa Pathana and aged 63 years states that I am the resident of above mentioned address and I am an agriculturist. I have two sons elder one is Rajesh @ Raja and younger one is Pankaj Kumar. Both are married. Yesterday dated 06.10.2021 me and my son Pankaj Kumar were travelling in our car No. HR- 23-G-4184 colour white from our Bhuna office to our village Khasa Pathana via Sanchla Road. Car was driven by my son

Pankaj Kumar and I was sitting on the side seat. At night around 10:15 PM when we reached near the plot of Balraj S/o Diwan Singh R/o Khasa Pathana our car got punctured then my son Pankaj Kumar stepped out of car to check the tyres in the meantime a motorcycle come from the behind upon which 2-3 unidentified young men were riding one of them wearing helmet and were carrying pistols. They started abusing my son and suddenly started firing upon my son Pankaj from the pistol which they were carrying. That out of fear my son Pankaj Kumar started running through the plot of Balraj towards the fields then those unidentified persons started indiscriminately firing upon my son Pankaj Kumar that my son Pankaj Kumar fell down in the fields due to bullet injury and those unidentified persons ran away from the spot with their weapons and motorcycle. Then I raised the alarm and the people from the neighbourhood gathered at the spot who took my son for treatment to the Govt. Hospital, Bhuna after arranging the vehicle where doctor declared my son dead. I got unconscious after seeing the painful death of my son. Now I have gained the consciousness and got my statement recorded that my son Pankaj Kumar was murdered by unidentified persons by making bullet injury. That strict legal action to be taken against unidentified persons. That I have got my statement recorded read and understood which is correct. Sd/- Somnath.”

3. Counsel submits that the petitioner was not named in the FIR and the attribution against him is only to the effect that he was a conspirator. Co-accused Vikram Nain and Jagjeet Singh @ Judge are stated to have already been granted the concession of regular bail by this Court. It is submitted that petitioner has already undergone an actual custody of more than 04 years in the present case and that only 12 prosecution witnesses out of total 44 have been examined so far.

4. Learned State counsel submits that the petitioner is involved in a large number of cases and he acted as a conspirator in the present case, having sought a share in the liquor trade, which constitutes the underlying motive for his involvement. He is, however, not in a position to indicate any witness as would prima facie establish the active participation or direct involvement of the petitioner in the commission of the offence in the present case. It is also not disputed that out of all the cases registered against the petitioner, he already stands acquitted in as many as 16 cases.

5. I have heard learned counsel appearing on behalf of the respective parties and have gone through the record.

6. Even though, the criminal antecedents of an accused have a bearing while adjudicating a prayer for grant of bail, however, in the circumstances of the present case, it remains undisputed that the petitioner was already in custody at the time when the offence in question was committed. The attribution against the petitioner is confined to that of a conspirator and the said role is yet to be established by the prosecution during the course of trial. It is further noticed that only 12 prosecution witnesses out of total 44 have been examined so far and the petitioner has already undergone an actual custody of more than 04 years. The fact that the co-accused have already been granted the concession of regular bail coupled with the period of actual custody undergone by the petitioner, cannot be overlooked while considering the prayer made in the instant petition.

7. Without commenting on the merits of the case and taking into consideration that regular bail has already been granted to co-accused, who are similarly placed but on a lesser footing as compared to the petitioner and bearing in mind the actual period of custody undergone by the petitioner,

this Court deems it fit to allow the present petition.

8. Accordingly, the instant petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing requisite bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate, concerned.

9. It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

10. The observation made hereinabove shall not be construed as an expression on the merits of the case and the Trial Court shall decide the case on the basis of available material.

13.01.2026

lucky

(VINOD S. BHARDWAJ)
JUDGE

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