

2025:PHHC:057818



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

208

CRA-S-100-2025

Date of decision: May 02, 2025

VIKRAM

.....Appellant

Versus

STATE OF HARYANA AND ANOTHER

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Manish Soni, Advocate
for the appellant.

Mr. Yuvraj Shandilya, AAG, Haryana.

MANJARI NEHRU KAUL, J.

1. The instant appeal has been filed against impugned order dated 25.11.2024 passed by learned Additional Sessions Judge, Gurugram, vide which the application bearing No.BA-4023-2024 for grant of concession of regular bail pending trial in case FIR No.185 dated 12.08.2021 under Sections 302, 34 IPC and Section 3(2)(v) of SC/ST Act, registered at Police Station Udyog Vihar, District Gurugram, has been dismissed.

2. Learned counsel for the appellant contends that the appellant has been falsely implicated in the present case, which hinges entirely on circumstantial evidence. Inviting the attention of this Court to the FIR (Annexure A-3), it is pointed out that the appellant was neither named in the FIR nor was any specific overt act attributed to him therein.

3. It is further submitted that the appellant has remained in custody since 15.08.2021. Despite this, the trial has progressed at a sluggish pace, with only 7 out of the 44 prosecution witnesses having been examined



so far. Learned counsel further submits that material witnesses PW Pankaj and PW Vinay have already been examined. It is specifically contended and highlighted that PW Vinay, upon being examined in Court, resiled from his earlier statement and did not support the case of the prosecution, having turned hostile. It has also been brought to the notice of this Court that co-accused Sanoj Kumar, facing similar allegations, has already been granted the concession of regular bail. Emphasis has been laid on the fact that the appellant has already undergone a considerable period of incarceration, and in view of the protracted nature of the trial, given that 37 prosecution witnesses are yet to be examined, further incarceration of the appellant would serve no useful purpose.

4. *Per contra*, learned State counsel, while opposing the prayer and submissions made by the counsel opposite, has not disputed the custody period of the appellant nor has he disputed the stage of the trial. It has also not been disputed that the material witnesses in the present case stands examined, however, learned State counsel has contended that the allegations against the appellant are grave, involving the assault on the deceased Sher Singh with an iron rod, resulting in fatal injuries. However, learned State counsel, on instructions, has not disputed the factual assertions made on behalf of the appellant that the appellant was not named in the FIR; that the key witnesses including PW Vinay have been examined, and that PW Vinay has turned hostile. It has also not been disputed that co-accused Sanoj Kumar has already been enlarged on bail. On a pointed query put to the



learned State counsel, he, on instructions, has also not disputed that the appellant has no previous criminal antecedents.

5. I have heard learned counsel for the parties and perusal the relevant material placed on record.

6. As noted above and not disputed by the learned State counsel, the appellant was not named in the FIR and the allegations are primarily based on circumstantial evidence. Further, the material witnesses, whose testimonies are crucial to the prosecution case, have already been examined, one of whom PW Vinay, has resiled from his earlier statement and turned hostile. Identically placed co-accused Sanoj Kumar has already been granted bail.

7. The trial is evidently progressing at a slow pace, and with 37 witnesses yet to be examined, the likelihood of the early conclusion of the trial appears remote. In the circumstances, further incarceration of the appellant would serve no useful purpose.

8. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of regular bail to the appellant.

9. Accordingly, the instant appeal is allowed, and the appellant be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

10. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

2025:PHHC:057818



CRA-S-100-2025

-4-

11. Needless to add here, in case the appellant is found misusing the concession of bail, the State would be at liberty to approach this Court to seek cancellation of bail to him.

May 02, 2025

Jaspreet Kaur

(MANJARI NEHRU KAUL)

JUDGE

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*