

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-53868-2024
Reserved on: 09.01.2025
Pronounced on: 28.01.2025

Vikas @ Vickey ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Sandeep Yadav, Advocate,
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
11	12.01.2024	Sector-53, Gurugram, Distt. Gurugram	307, 34 IPC and Section 27(1) of the Arms Act

1. The petitioner incarcerated in the FIR captioned above came before this Court under Section 439 of CrPC, seeking regular bail.

2. In paragraph 17 of the bail petition, the accused declares that he has no criminal antecedents.

3. The facts of the case are being taken from the FIR, which reads as follows:

“To, Shri. Station House Officer, Police Station Sector 53, Sir, it is requested that I Naresh Yadav son of Suresh Yadav, am resident of H. No. 1825, Vazirabad, Sector 52, Gurugram. I have office under the name of Yadav Property in Plot No. 803 at Sarswati Kunj, Sector 53, Gurugram. About 4-5 days before, Sunny resident of Mangar and nephew of Dholu and one another person came into my office and he said that this plot is mine, you should vacate it silently. I told him that this is my plot and if you have any document of this plot, then show me, I will vacate it. Upon this he got angry and he told me that vacate this plot, otherwise you have to pay money against this plot. After saying this, these three persons have gone from there. Later on, 12.01.2024 at around 3.00 PM Sunny along with his two accompanies nephew of Dholu and one another person came on a

motorcycle near to my office and at that time I was sitting in my car. Sunny came towards my car and he sat on my adjoining seat of car and told me that you might vacate the plot, otherwise you have to pay money in lieu of said plot and when I told him that I have talked to Deepak Mandi, I will not give you anything, hearing this, he got annoyed and he told me to step out from the car, then we would talk and when I stepped out from my car and started talking to him, then Sunny came from one side and made fire on me with the intention to kill me and the alleged gun shot hit on my left hand, thereafter I ran away from there to escape me but they had chased me to make firing on me but I got succeeded to ran from there and saved my life. Legal action be taken against them. xxx”

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and his family.

5. The State counsel opposes the bail and submitted that the petitioner was seen in the CCTV footage and further he has been identified by the victim, therefore, it is not a case for bail. He also refers to the reply.

6. It would be appropriate to refer to the following portions of the reply, which read as follows:

“8. That the role of the petitioner Vikas @ Vicky in the present case is that he along with co-accused Sunny and Abhishek had gone to the office of the complainant, on his (Abhishek's) motorcycle no. HR-14-U-7950, to threaten the complainant to vacate the shop, where, Sunny fired gunshot upon the complainant with the intention to kill him. When the complainant Naresh started running towards the village, the petitioner Vikas @ Vicky had also chased him. The petitioner has got demarcated the place of occurrence. The petitioner has been named by co-accused Sunny and Abhishek in their amended disclosure statements. The amended disclosure statement of accused Sunny is attached herewith as Annexure R-4 for kind perusal of this Hon'ble Court.”

7. The petitioner has been duly identified by the victim. The motive is writ large. The petitioner is not entitled to bail given his conduct that even after firing and injuring the complainant, he chased him and he was able to escape. Thus, it was sheer good fortune of the victim that he escaped from being shot again.

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8. A perusal of the bail petition and the documents attached prima facie points towards the petitioner's involvement and does not make out a case for bail. The impact of crime would not justify bail. Any further discussions will likely prejudice the petitioner; this court refrains from doing so.

9. In addition to that petitioner's custody is 11 months and 14 days is not a ground for bail because maximum imprisonment can extend to life.

10. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

11. Petition **dismissed**. All pending applications, if any, are disposed of.

(ANOOP CHITKARA)
JUDGE

28.01.2025
Jyoti-II

Whether speaking/reasoned: Yes
Whether reportable: No.