

2025:PHHC:106870



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

210

CRM-M-16617-2024

Date of decision: August 18, 2025

VIKAS @ VICKY

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Akshay Kumar Dahiya, Advocate
for the petitioner.

Mr. Yuvraj Shandilya, AAG, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

1. The instant petition is the second petition filed under Section 439 of Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case FIR No.253 dated 01.08.2020 under Sections 307, 302, 120-B, 34 of Indian Penal Code, 1860 and Sections 25 and 27 of the Arms Act, 1959, registered at Police Station Asaudha, Bahadurgarh, District Jhajjar (Annexure P-1).

2. Learned counsel for the petitioner contends that the petitioner has been languishing in custody since 22.05.2021 as mentioned in the custody certificate, and till date, not even 50% of the witnesses cited by the prosecution have been examined, and therefore, the possibility of the trial concluding in the near future does not arise. It has been further argued by the learned counsel that even otherwise, a perusal of the allegations levelled in the FIR (Annexure P-1) reveals that although the petitioner has been named therein, no overt act, much less fatal injury, has been attributed to the



petitioner. Rather, the only role attributed to him is of having driven the prime accused Suresh to the place of occurrence, who thereafter, fired fatal shots towards the deceased Ravinder. Learned counsel has, therefore, submitted that in the circumstances, the petitioner deserves the concession of bail, moreso when all the material witnesses including the complainant stand examined, and therefore, there can be no apprehension of the petitioner tampering with evidence or influencing/intimidating the witnesses in any manner whatsoever.

3. Learned State counsel has filed custody certificate of the petitioner in the Court today, which is taken on record subject to all just exceptions.

4. *Per contra*, learned State counsel, while opposing the prayer and submissions made by the counsel opposite, on instructions, has neither disputed the custody period of the petitioner nor has he disputed that all the material witnesses including the complainant stand examined; 36 prosecution witnesses still remain to be examined. However, learned State counsel has reiterated the allegations levelled in the FIR, which stands reproduced hereinunder:-

“I, Chandram S/o Hariram R/o Assaudha stated that I am the resident of the abo-said address and I have four daughters and one son whose name is Dhola @ Ravinder and he is also married. My son Mohit has friendship with one Mohit S/o Subhash R/o Assuadha. That some murder incidents of family members of Mohit and Subhash were also took place since long time and because this enmity between the families Vikas and Sachin S/o Suresh were looking for the best opportunity to kill someone from the family. That today me and my son Ravinder and one Gulab S/o Ramdiya R/o Assuadha were sitting outside



the house in the street around 9.00 pm/ 9.30 pm. At the same time some persons on two motorcycle approached us and one of them shouted the name of Ravinder that here he is, shot him he is the one who always help Mohit. After this Vikas, Sachin S/o Suresh S/o Jile Singh R/o Assuadha Todran and Mithun @ Bihari shot Ravinder with the pistols in possession of these three in front of me. Vikas, Sachin S/o Suresh, Suresh S/o Jile Singh R/o Assuadha Todran and Mithun @ Bihari came there on two different motorcycles. Vikas, Suresh and one other boy were on one motorcycle and Sachin, Mithun and one boy on another motorcycle. At the time shooting at Virender one bullet was also injured Gulab S/o Ramdiya at right side of the back. After this me and family vehicle and took Ravinder and Gulab to arranged a Bharamshakti Hospital Bhadurgarh for treatment. Doctor declared Ravinder @ Dhola dead and treatment of Gulab is still goin on.”

5. It has been asserted by the learned State counsel that the petitioner has not been attributed any injury, much less fatal, on the person of the deceased, however, it is the petitioner who drove the prime accused to the place of occurrence. Learned State counsel submits that the petitioner clearly comes across as a conspirator to the crime in question, which also needs to be appreciated in the wake of there being history of strained relations between the parties.

6. On being pointedly asked, learned State counsel has submitted that earlier the petitioner was also involved in one other criminal case for offences under Section 323, 147, 149, 228, 353, 186 IPC, however, he has already undergone the sentence.

7. I have heard learned counsel for the parties and perused the relevant material placed on record.



8. The petitioner has been in custody since 22.05.2021, and as on date, all the material witnesses stand examined, however, the possibility of the trial concluding in the near future looks remote since 36 prosecution witnesses still remain to be examined.

9. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of regular bail to the petitioner as the trial would take considerable time to conclude.

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

11. 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.

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

August 18, 2025

Jaspreet Kaur

**(MANJARI NEHRU KAUL)
JUDGE**

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*