

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-35480-2015

Date of Decision: October 29, 2015

Deepak Singh		...Petitioner
	Versus	
State of Haryana		...Respondent

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr. N.S. Shekhawat, Advocate,
for the petitioner.

Mr. Pawan Gaur, DAG, Haryana,
for the respondent.

Mr. Tapan Kumar Yadav, Advocate,
for the informant.

1. *Whether Reporters of local papers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

NARESH KUMAR SANGHI, J (Oral)

Prayer in this petition, filed under Section 439, Cr.P.C., is for grant of bail to the petitioner, Deepak Singh, son of Surender Singh, resident of Dori Parwa, District Oraiya (formerly District Itawah), Uttar Pradesh, presently confined in District Jail, Faridabad, who has been booked for having committed the offences punishable under Sections 201, 302 and 365 read with Section 34, IPC, in a case arising out of FIR No. 140, dated 20.6.2014, registered at Police Station, Sector 31, Faridabad.

Learned counsel contends that even if whole case of the prosecution is taken at its face value, then also the ingredients of Section 302, IPC, are not attracted qua the petitioner; as per prosecution version, the murder by use of revolver was committed by Prem Partap, co-accused of the petitioner; the prosecution has failed to substantiate the fact that the petitioner had shared common intention with Prem Partap to commit the murder of Sumit Bhardwaj; the motive to take revenge from Sumit Bhardwaj was on the part of Prem Partap; and that the petitioner has been roped in just to widen the array of the accused. He further points out that the petitioner is behind the bars from 4.8.2014 and after completion of the investigation, the charge-sheet (challan) has already been presented, therefore, further incarceration of the petitioner is not of worth.

Learned counsel for the State has fairly conceded that the whole case of the prosecution is based upon circumstantial evidence and there is no eye-witness of the occurrence. He further submits that from the material available on record, the prosecution would be able to connect the petitioner with the murder of Sumit Bhardwaj.

Learned counsel for the informant has also

vehemently opposed grant of bail to the petitioner.

I have heard rival contentions raised by both the parties and found that whole case is based upon circumstantial evidence. Applicability of Section 302, IPC, so far as the petitioner is concerned, would be a moot point during trial. As per prosecution version, the murder of Sumit Bhardwaj was committed by Prem Partap, co-accused of the petitioner. After completion of investigation, the charge-sheet (challan) has already been presented, therefore, this Court finds that further incarceration of the petitioner is not of any consequence.

Keeping in view totality of the facts and circumstances of the case, the present petition is allowed. The petitioner, Deepak Singh, son of Surender Singh, resident of Dori Parwa, District Oraiya (formerly District Itawah), Uttar Pradesh, presently confined in District Jail, Faridabad, is directed to be released on bail during pendency of the trial of the present case subject to his furnishing bonds to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, Faridabad.

(NARESH KUMAR SANGHI)
JUDGE

October 29, 2015
Pkapoor