

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-33780-2018
Date of decision:11.09.2018

Deval Singh @ Kewal Singh

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. D.N.Ganeriwala, Advocate with
Mr. Sukhveer Singh Killianwali, Advocate
for the petitioner.

Mr. Ashok Singh Choudhary, Addl. A.G., Haryana.

GURVINDER SINGH GILL, J. (ORAL)

The petitioner seeks grant of regular bail in case registered vide FIR No.194 dated 12.07.2017 under Sections 302/304 of Indian Penal Code, 1860, Police Station Kalanwali, District Sirsa.

The FIR was registered at the instance of Hardeep Singh son of the deceased, wherein it has been alleged that on 10.07.2017 Deval Singh (petitioner) came to his house and took his father along with him on his motorcycle and that while leaving, his father told him that he was going with Deval Singh to get a cow for him and that he will also get a cow for themselves. It is alleged that at that time complainant's father was having ₹25,000/- to ₹30,000/- to buy a cow. However, complainant's father did not return back and that on the next morning petitioner-Deval Singh came to the house of the complainant and informed him that complainant's father had taken his motorcycle and had not returned back and when the complainant confronted him that his father could not drive

motorcycle, the petitioner responded that there was someone else along with the deceased who was driving the motorcycle. He further alleged that after about one hour, Deval Singh came back and informed that his father had fallen into Bhakra Canal along with motorcycle. The complainant had alleged that upon watching CCTV footage of the liquor vend, he came to know that his father and Deval Singh had stopped there at 9:28 p.m. and had left at 9:47 p.m. It has thus been alleged that Deval Singh had killed his father in the greed of money and had thrown him in the canal.

Learned counsel has submitted that the petitioner has falsely been implicated in the case and there is no evidence worth credence to connect the petitioner with the alleged death of complainant's father. It is further been submitted that in any case, the petitioner has been in custody since last more than one year and he deserves the concession of bail.

On the other hand learned State counsel assisted by Mr. Narinder Singh Dharni, Advocate who has put in appearance today and has filed memo of appearance, has opposed the petition and has submitted that in fact the petitioner during the course of interrogation had suffered a disclosure statement to the effect that he had slapped the deceased and on account of said slap, deceased fell into the canal along with motorcycle. Learned State counsel has also referred to the report of Forensic Science Laboratory report as per which Diatoms detected in Exhibit-1 (Sternum) and in Exhibit-2 (water sample) were found to be of similar type. The learned State counsel has submitted that the aforesaid report clearly indicates that the petitioner had drowned in the canal.

I have considered the rival contentions addressed before this Court.

On the last date of hearing the matter had been adjourned after it had been informed that the matter was fixed in the trial Court for 23.08.2018 for recording statement of the complainant. However, a perusal of copies of zmini orders which have been produced today by learned counsel for the petitioner reveals that the complainant Hardeep Singh has himself been seeking exemption on one count or other due to which his statement had not been recorded. In the present case the entire case is based on the circumstantial evidence wherein twenty four witnesses have been cited by the prosecution but not even a single witness has been examined till date. The petitioner has been behind bars since last more than one year. The conclusion of trial, in its normal course, is likely to take some time. In my opinion, no fruitful purpose would be served by further detaining the petitioner behind bars. Accordingly, petitioner-Deval Singh @ Kewal Singh is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate, Sirsa.

This petition stands accepted accordingly.

(GURVINDER SINGH GILL)
JUDGE

11.09.2018

Gaurav Sorot

Whether reasoned / speaking?

Yes / No

Whether reportable?

Yes / No