

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

**CRM-M No. 51471 of 2018
Date of Decision:-15.12.2018**

Vishav Aman Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present:- Mr. P.S. Ahluwalia, Advocate
for the petitioner.

Mr. Ramdeep Partap Singh, DAG, Punjab.

Mr. Mahir Sood, Advocate
for the complainant.

MANOJ BAJAJ J.(Oral)

Petitioner Vishav Aman Singh has prayed for grant of regular bail in case FIR No.56 dated 02.5.2016, under Sections 302 and 201 IPC, registered at Police Station Sadar Samana, District Patiala, during pendency of the trial.

The FIR in question was recorded on the basis of statement given by complainant Manzoor Singh, wherein it was alleged that his brother Hazoor Singh and nephew Gurpreet Singh s/o Hazoor Singh had

gone to Samana in connection with financial transactions and did not return. It is alleged that their phones got switched off and were not traceable. By way of this information, assistance of police was sought to trace out the missing persons.

On 19.4.2016, during search, a vehicle was found in the Bhakra Canal and on recovering the same, two persons were found dead (one inside the vehicle and other outside the vehicle). Upon recovery of dead bodies, inquest proceedings were carried, wherein the statement of Manzoor Singh complainant was recorded under Section 175 Cr.P.C., who had identified the deceased as his brother and nephew, named above.

Later on, during investigation, statement of Sukhjeet Kaur w/o Hazoor Singh was recorded, who had expressed suspicion that there was loan transaction between accused and deceased Hazoor Singh and on the strength of the same, the petitioner was indicted as an accused. It is the case of the prosecution that some intoxicant substance was administered to the deceased through a cold drink as a half unconsumed bottle of coke was found in the vehicle.

Learned counsel for the petitioner has argued that the petitioner is in custody since the date of arrest on 12.5.2016 and out of total 48 prosecution witnesses, only nine have been examined so far. Not only this, for the last various dates the complainant has not turned up for recording of his evidence despite issuance of warrants etc. Learned counsel has further argued that the version set up by the complainant is false on the face of it as in the inquest proceedings no suspicion was expressed. Besides the

evidence of administering some intoxicating substance through cold drink (Coke), is also not believable as the report of the FSL (Annexure P-2) does not indicate presence of any such thing in the coke. The cause of death in the PMR is drowning.

On the other hand, learned State counsel, assisted by Mr. Mahir Sood, Advocate for the complainant opposed the bail on the ground that offence is serious and two persons were found dead in the vehicle.

Learned counsel appearing on behalf of complainant has argued that there were financial dealings between the accused and the deceased. However, he has fairly admitted that no proceedings on civil side were ever carried out against the accused. Learned counsel for the complainant has further opposed the bail on the ground that the testimony of the complainant is yet to be recorded and the date fixed before the trial Court is 08.1.2019 for recording the same.

At this stage, Mr. P.S. Ahluwalia, learned counsel for the petitioner has shown the zimni orders passed by the trial Court w.e.f. 16.2.2018 (certified copies seen and photocopy of the same is taken on record), whereby coercive steps were taken by the trial Court to secure the presence of the complainant/witness.

Considering the custody period of the petitioner and the pace at which the trial is progressing, the same is likely to take some more time., further detention of petitioner is not justified. Therefore, without commenting anything upon merits of the case, the petitioner, namely, Vishav Aman Singh is admitted to regular bail subject to his furnishing the

requisite bail bonds and surety bonds to the satisfaction of the concerned trial Court.

The petition is allowed.

December 15, 2018
Vijay Asija

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No