

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

Sr. No.210

CRM-M-7737-2018

Date of decision : 28.02.2018

Bhoop Singh

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Karambir Singh Nalwa, Advocate, for the petitioner.

Mr. Munish Sharma, AAG, Haryana.

SUDHIR MITTAL, J. (Oral)

The petitioner seeks grant of regular bail in case FIR No.43 dated 25.03.2012, registered at Police Station Ding, District Sirsa, under Sections 302 and 34 IPC.

Learned counsel for the petitioner contends that initially the investigation did not reveal that any murder was committed. Instead the challan was filed under Sections 279 and 304-A IPC. This was done despite the fact that Ramphal son of Jeet Ram had stated in his statement under Section 161 Cr.P.C that the deceased had told him that the injuries had been inflicted upon him by his companion. He also relies upon the bed-head ticket of the deceased, wherein it is recorded to be a case of road-side accident. Thus, it is submitted that commitment of the case to the Court of Sessions was incorrect as the learned trial Magistrate was influenced only by the statement of the aforementioned Ramphal son of Jeet Ram as PW-8, wherein he again reiterated the version stated in his statement under Section 161 Cr.P.C. regarding having been informed by the deceased that his companion had inflicted injuries upon him, but lost

the sight of the fact that there were material improvements in the said statement and therefore, the credibility of the witness stood shattered. He states that the petitioner has been taken into custody on account of order of commitment and the evidence on record does not make out a case under Section 302 IPC.

On the other hand, learned State counsel submits that a case under Section 302 IPC is clearly made out from the statement of PW-8, namely, Ramphal as well as from the fact that had it been an accidental death, his companions would have reported the accident and would have made efforts to trace the deceased after he was found missing.

At this stage, I do not intend to make any comment on the merits of this case as it might effect the final out-come of the trial. Suffice to say that had it been a case of murder and the deceased had disclosed the identity of his assailants to aforementioned Rampal-PW 8, the same would have been reported to the police at the very first instance. However, in the present case, when the deceased was taken to hospital, the medical authorities were informed that it was a case of road-side accident. The argument of the learned State counsel that had it been a simple case of road-side accident, the companion of the deceased would gone for search of the deceased, is not misplaced. However, I leave it to the trial Court to come to the final conclusion whether the deceased was murdered or whether his death was caused due to road-side accident. At this stage, the conduct of PW-8 Ramphal creates a doubt in the mind of

this Court and therefore, it would be just and appropriate to grant regular bail to the petitioner.

In view of the above, the petition is allowed and the petitioner Bhoop Singh, is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the trial Court concerned at Sirsa. It is further clarified that in case the circumstances so require, the State would be at liberty to seek cancellation of the bail.

(SUDHIR MITTAL)
JUDGE

February 28, 2018

Ramandeep Singh

Whether speaking / reasoned
Whether Reportable

Yes / No
Yes/ No