

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

**CRM-M-3130-2019
Date of decision: 30.01.2019**

Kamaljeet Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Dr. Deipa Singh, Advocate
for the petitioner.

Mr. Naveen Sheoran, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

This is the second petition that has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 1206 dated 28.12.2017, under Section 365 IPC (Sections 364, 397, 302, 201, 120-B, 408 and 412 of the IPC added later on), registered at Police Station Chandni Bag, Panipat, District Panipat.

The first petition bearing CRM-M-40136-2018 was dismissed as withdrawn on 18.09.2018 and the present petition has been filed after the completion of investigation and submission of challan.

Learned counsel for the petitioner submits that as per the allegations in the FIR, got registered on the complaint of one Sonia Rani d/o deceased Sukhdev Singh, it is stated that her father Sukhdev Singh is missing since 28.12.2017. Learned counsel for the petitioner further submits that the present FIR was initially registered under Section 365 IPC, however, later on, on receiving an information that the dead body of a person was found in the area of Police Station Patran, from where Head

Constable Gurdip visited the house of complainant and informed her and she gave further information to the local police and on identification of the dead body as of Sukhdev Singh and on the basis of the proceedings under Section 174 Cr.P.C., conducted by the Police Station Patran, Sections 364, 397, 302, 201, 120-B, 408 and 412 of the IPC were added later on. On suspicion raised by complainant Sonia Rani, the driver of the vehicle Rajesh s/o Jaibir was arrested who made disclosure that he along with his cousin brother Jitender s/o Surjan and his father-in-law Balkar Singh had abducted the owner of the truck Sukhdev Singh and have committed his murder and thereafter, they had sold the truck to Kamaljeet Singh, present petitioner, who is a resident of Barnala, Punjab for a sum of Rs. 3,70,000/-.

On the basis of the aforesaid disclosure, other accused, namely Balkar Singh and Jitender, were also arrested and they have also made similar disclosures and thereafter, the petitioner was arrested and recovery of the truck bearing registration No. HR-67-A-8169 was effected from Ludhiana.

Learned counsel for the petitioner has referred to the disclosures of aforesaid three accused persons to argue that it is no where stated that they have informed the petitioner that they have committed the murder of Sukhdev Singh and thereafter they are selling the stolen truck to the petitioner and what is informed is only that they want to sell a stolen truck to the petitioner.

Learned counsel for the petitioner has also referred to the disclosure of the present petitioner in which he has only stated that he received a telephone from co-accused Rajesh that he has a stolen truck and he wanted to sell the same, on which the petitioner called for details of the

truck and some photographs and thereafter, on the next day, aforesaid three persons Rajesh, Jitender and Balkar Singh brought the truck to Barnala and the petitioner purchased the same.

Learned counsel for the petitioner has, thus, argued that petitioner has no role in the murder of Sukhdev Singh nor he had any knowledge, when the truck was purchased by him, that it was a truck in which the aforesaid offence was committed.

Learned counsel for the petitioner further submits that petitioner is not involved in any other case and he is in judicial custody since 04.07.2018 and charges have been framed and it will take a long time in conclusion of the trial. It is further submitted that primary charge against the petitioner is under Section 412 IPC.

Learned State counsel, on instructions from the Investigating Officer, could not dispute the factual position.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the submissions of learned counsel for the petitioner and also keeping in view the custody period of the petitioner and charge framed against him, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

January 30, 2019

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

*Whether speaking/reasoned
Whether reportable*

*Yes/No
Yes/No*