

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

CRM-M-56797-2018
Date of decision: 10.01.2019

Komaldeep Singh @ Happy

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Kamaldeep Singh Sidhu, Advocate
for the petitioner.

Mr. Surender Singh, AAG, Haryana.

Mr. Ashishpal Kaushal, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 347 dated 25.12.2017, under Sections 302/201 of the IPC (Sections 204/120-B/34 IPC added later on), registered at Police Station City Mandi Dabwali, District Sirsa.

Learned counsel for the petitioner submits that as per the allegations in the FIR, on recovery of the dead body of Boota Singh, Patwari, the complainant/brother of the deceased made a statement to the police on 24.12.2017 that after discussion, he will make a statement on 25.12.2017 and thereafter, the accused persons were nominated.

Learned counsel for the petitioner further submits that as per the allegations in the FIR, motive is attributed towards co-accused Sukhpal

Kaur that she was having a grudge against the deceased that he had transferred 1 ½ acres of land in his name.

Learned counsel for the petitioner further submits that the only allegation against the petitioner is that he was present at the spot when Boota Singh consumed liquor and no other overt act is attributed to him.

Learned counsel for the petitioner further submits that main accused Sukhpal Kaur has already been granted concession of regular bail, vide order dated 11.10.2018 passed in CRM-M-31952-2018. The operative part of the order reads as under:

“It has been submitted that deceased Butta Singh had died in mysterious circumstances and the FIR has been registered against unknown persons. Learned State counsel has submitted that there was a telephone conversation between deceased, Paramjit Kaur and petitioner Sukhpal Kaur. Learned State counsel has admitted that no other evidence against the petitioner is available on record. Heard. The rope has been recovered from co-accused Amritpal Singh. The challan has already been submitted. The petitioner is stated to be in custody since 01.01.2018. The trial of the case will take long time. No useful purpose will be served by keeping the petitioner in custody any further. Without expressing any opinion on merits of the case and keeping in view the fact that conclusion of trial will take considerably long time, the present petition is allowed. Petitioner Sukhpal Kaur is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, subject to following terms:- (a) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C. (b) In the event of her absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel her bail bond and surety bond and proceed to procure her presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh. (c) She shall not leave the country without the previous permission of the Court.”

Learned State counsel, on instructions from ASI Madan Lal,

assisted by learned counsel for the complainant, has not disputed the factual position and submitted that the challan has already been presented and the case is now fixed for prosecution evidence and out of total 24 prosecution witnesses, statement of 07 witnesses has already been recorded. The petitioner is stated to be in custody from January, 2018.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the aforesaid submissions of the learned counsel for the parties and also in view of the fact that conclusion of the trial is likely to take some time, the instant petition is allowed and 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.

The petitioner will deposit his passport, if any, with the trial Court and will not leave the country without the prior permission of Court.

January 10, 2019

Waseem Ansari

(ARVIND SINGH SANGWAN)

JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No