

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

CRM-M-8197-2020 (O&M)

Date of decision: 31.07.2020

Karan Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Vikram Singh Narwal, Advocate
for the petitioner.

Mr. Kuldeep Tiwari, Addl. A.G., Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

CRM-18041-2020

Prayer in this application is for preponing the date of the main case i.e. fixed for 11.08.2020.

For the reasons stated in the application, the same is allowed.

Let the main case be preponed and taken up today itself.

CRM-M-8197-2020

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. 141 dated 30.08.2019, registered under Sections 302 and 34 of the IPC at Police Station Siwan, Kaithal, District Kaithal.

Learned counsel for the petitioner submits that as per the allegations in the FIR, registered at the instance of complainant Kala Ram, it is stated that his son Sandeep Kumar, on 08.08.2019, had gone to meet Kuldeep, Karan (petitioner herein), Ravi and Sabu, however, he did not return back and later on, his motorcycle bearing registration

No. HR-08-E-4624 was found and on 10.08.2019, he received an information about the identification of a dead body, which was found in a canal. Upon this, he identified the said body as of his son Sandeep Kumar.

Learned counsel for the petitioner further submits that the FIR has been registered after about 15 days of missing of Sandeep Kumar and even 13 days after the dead body was recovered.

Learned counsel for the petitioner further submits that at no point of time, a missing report was lodged by the complainant.

Learned counsel for the petitioner refers to an opinion given by the doctor to the police about the nature of injuries, which were found on the dead body of Sandeep Kumar, wherein it is opined that “so these injuries were post-mortem (after death) in nature”.

Learned counsel for the petitioner further submits that in fact the possibility of Sandeep Kumar having committed suicide by jumping into canal cannot be ruled out as the police has not investigated the case from this angle. It is further submitted that in fact no scientific investigation has been done by the police to find out the truth.

Learned counsel further submits that the petitioner is in judicial custody since 30.08.2019 and a period of almost 11 months has passed and the trial is not likely to proceed in view of the situation arising out of outbreak of COVID-19.

Learned State counsel, however, opposes the bail on the ground that since the petitioner was last seen in the presence of petitioner Karan Singh and other co-accused, the complainant had apprehension that petitioner might have involved in the murder of Sandeep Kumar. Though, on a Court query whether any motive is attributed to petitioner for

committing the offence, learned State counsel could not give any satisfactory reply.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the facts and circumstances of the case as well as the arguments raised by learned counsel for the parties, 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/Illaqa Magistrate, concerned.

31.07.2020
Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No