

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

206

**CRM-M-17336-2020 (O&M)
Date of Decision: 25.08.2020**

VIPIN @ MAHADEV

.....PETITIONER

Vs

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Rajesh Bansal, Advocate
for the petitioner.

Mr. Rajat Gautam, D.A.G., Haryana.

RAJ MOHAN SINGH, J.(Oral)

The case has been taken up for hearing through video conferencing.

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.91 dated 25.06.2019, under Sections 365, 34 of IPC (later on added Sections 302 and 201 IPC) and (later on deleted Section 365 of IPC), registered at Police Station Section 13-17, District Panipat.

Son of the complainant went missing on 17.06.2019. The complainant alleged that his son was 18 years of age. Mahadev, Ajit and Lucky took his son alongwith them. From that day onwards, son of the complainant namely Sagar did not come back home. The complaint was given to the police only on

25.06.2019 i.e. after a delay of 8 days from the date on which Sagar went missing. No missing report was lodged with the police.

Vide order dated 31.07.2020, learned State counsel sought time to file specific affidavit of the Investigating Officer, detailing the dates and events from the date of recovery of the dead body from the canal.

Affidavit of Sumit Kumar, Inspector has been filed in compliance of the order. From the same, it can be seen that the dead body of Sagar was recovered on 18.06.2019. Dead body was buried according to muslim rites on 22.06.2019. On 27.06.2019, police received information that the person, who was buried was in fact Sagar. Thereafter the dead body was dug out and the same was identified by the complainant. Extra judicial confession was allegedly made by the petitioner before one Narinder Kumar on 23.06.2019. The said extra judicial confession was communicated to the police only on 28.06.2019.

Learned counsel for the petitioner on the basis of aforesaid facts stated that the petitioner is in judicial custody since 29.06.2019. There is an unexplained delay of lodging the FIR. No missing report was lodged by the father of the complainant on 17.06.2019 or soon thereafter. Co-accused

namely Lucky alias Sarvesh and Ajit have already been given concession of regular bail being juvenile in conflict with law. Narender Kumar before whom alleged extra judicial confession was made is not related to the petitioner in any manner. The petitioner has denied any extra judicial confession having been made by him before the said Narender Kumar.

Per Contra learned State counsel on instructions from Investigating Officer submits that as per the disclosure statement of the petitioner himself, the complicity of the petitioner has come on record. In pursuance of disclosure statement, petitioner has got recovered three wheeler used in crime and has also demarcated the spot of the crime. Challan has been presented, charges have been framed, but no prosecution witness has been examined so far.

Having considered the submissions made by learned counsel for the parties, I am of the view that the case is based upon extra judicial confession stated to have been made before one Narender Kumar and disclosure statement of the petitioner himself which led to recovery of three wheeler.

At this stage, looking to the aforesaid facts and in view of the situation arising out due to COVID-19 pandemic and without adverting to the merits of the case, I deem it appropriate to enlarge the petitioner on regular bail.

In view of above, petition is allowed. Petitioner is ordered to be released on bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

25.08.2020
Sheetal

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned Yes/No

Whether reportable Yes/No