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

CRM-M-23268-2020

Date of Decision: 22.09.2020

Vipin Singh

..... Petitioner

Versus

State of U.T., Chandigarh

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Pradeep Sharma, Advocate,
for the petitioner.

Mr. A.M. Punchhi, P.P., U.T., Chandigarh, and
Mr. Anupam Bansal, Advocate,
for the respondent.

SUDIP AHLUWALIA, J. (ORAL)

The instant petition has been filed under Section 439 of the Code of Criminal Procedure by the petitioner, seeking regular bail in case FIR No.239 dated 22.11.2019, under Section 302 of the IPC (Section 201 of the IPC added later on), registered at Police Station Sector-36, Chandigarh.

2. Ld. Counsel for the petitioner submits that his client has been in custody for almost ten months, since 23.11.2019. He further submits that the FIR as originally drawn up was a blind one, which was registered only in view of the fact that the body of someone was found lying at House No. P-1200, near Government Toilet Tin Colony, Sector-52, Chandigarh, after which the Police Personnel went to the spot in the PCR and found that in the grass bushes, near *ganda nala*, near a palm tree, one unknown person was lying in

an injured and unconscious condition. He was found to be profusely bleeding from his face and it was clear that he had been given blows on his face and head with an intention to kill him. He was rushed to GMCH, Sector-32, Chandigarh, where the Duty Doctor, on medically examining him, declared him as 'brought dead'. The petitioner was arrested apparently after the Police gathered had knowledge about his involvement.

3. Ld. Counsel for the petitioner has further submitted that after completion of investigation, Challan in the case has already been submitted and for this reason, there is no justification to keep his client in detention any further.

4. It may be mentioned that on the last date (21.08.2020), Ld. Counsel for the U.T., Chandigarh, had submitted that notwithstanding the fact that Challan against the petitioner had been submitted earlier, a Supplementary Challan was likely to be submitted again, as the FSL Report had been received in the interregnum, which was sought to be placed on the record in the Ld. Trial Court. This Court, thereafter, directed production of all the incriminating evidence collected against the petitioner for today's hearing.

5. The respondent's side has, thereafter, sent up the Supplementary Challan Form dated 01.09.2020, along with its list of witnesses, and the CFSL Examination Report dated 14.02.2020.

6. It may be mentioned that involvement of the petitioner was sought to be made out on the basis of the statement given by one Jagdish Kumar, who had stated that he had seen the deceased person to go with the petitioner on the preceding night for consuming liquor at about 10:00 p.m. and that on the following morning, the petitioner had come to him and asked about the

whereabouts of the deceased by saying that his mobile phone had been taken away by him. Thereafter, the petitioner was apparently arrested and he made some statements on the basis of which certain recoveries were effected by the Police Authorities. Those included a stone, soil collected from the area, where the body of the deceased was found, some pieces of wood having blood stains, as also the wearing apparel of the petitioner as well as the deceased-victim. From the CFSL Report, subsequently filed along with the Supplementary Challan, it is seen that blood stains of Blood Group 'AB' (which was of the deceased and is otherwise, an extremely rare Blood Group) were found on the stone, as well as the wooden pieces (*Khajoor ke danthal*) and also on the wearing apparel of the deceased. Similar stains were also found on the clothes of the petitioner (Exhibits 5-A and 5-C).

7. In this view of the matter, at this juncture, it cannot be said that there are no reasonable grounds to hold that the petitioner is involved in the murder of victim Chavi Ram @ Bangala.

8. Ld. Counsel for the petitioner has, however, drawn attention of the Court to the fact that in the original challan submitted on 15.02.2020, the offence under Section 201 of the IPC was included, although the stone bearing the blood stains had already been sent for Forensic Examination by the Investigating Authorities prior to that.

9. This, in the view of the Court, cannot be considered to be any fatal contradiction at this stage, when even the trial is yet to commence. This is so because although a statement has been imputed to the petitioner that he had thrown away the stone, with which he had killed the victim, in the nearby *ganda nala*, still that would not necessarily mean that blood drops of the

victim could not have fallen or flown upon other articles lying in the place of occurrence, such as any other stone or the wooden pieces scattered about.

10. For the aforesaid reasons, this Court finds no grounds to release the petitioner on bail at this stage, in view of the gravity of the offence involved.

11. Dismissed.

22.09.2020

Apurva

**(SUDIP AHLUWALIA)
JUDGE**

1. Whether speaking/reasoned: Yes/No
2. Whether reportable: Yes/No