

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

**CRM-M No.49253 of 2019 (O&M)
Decided on: 24.06.2020**

Bhim Singh @ Enu

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Kamal Chaudhary, Advocate
for the petitioner (through video conferencing)

Mr. R.K. Ambavta, AAG, Haryana.
(through video conferencing)

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.357 dated 13.06.2019, for offence punishable under Sections 302, 201 of the Indian Penal Code, 1860 (in short 'IPC') (Section 120-B IPC and Section 3 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, added later) registered at Police Station Surajkund, District Faridabad.

Counsel for the petitioner has argued that the FIR was registered on 13.06.2019, on receiving an information regarding the dead bodies of some unknown persons, found in Badkhal lake. The police, during the investigation, found 02 dead bodies, one is of a lady named Manisha and the other person named Sachin. Counsel for the petitioner has further submitted that during the investigation, the police arrested the petitioner along with one Prince @ Lala with the allegations that they had dumped the dead body of Manisha in Badkhal

lake, after she was strangled by co-accused Surjit and Vimal Kumar. It is further submitted that the primary charge against the petitioner are under Sections 201 and 120-B IPC.

Counsel for the petitioner has relied upon the order dated 07.04.2020 vide which, the co-accused – Vimal Kumar, who is one of the prime accused has been granted the concession of regular bail, considering his age. Counsel for the petitioner has also relied upon another order dated 14.04.2020 passed by the Additional Sessions Judge, Faridabad, vide which similarly situated co-accused namely Prince @ Lala, was granted the concession of regular bail, noticing the fact that the allegations against him are that he along with the present petitioner had dumped the dead body of Manisha, after she was murdered by Surjit and Vimal Kumar.

Counsel for the petitioner has also argued that the petitioner is not involved in any other case and since he was residing in a rented accommodation where the other accused were also residing, thus, he was implicated in this case and the investigation is complete and the conclusion of the trial will take long time.

Counsel for the State has not disputed the factual position and the allegations against the petitioner as per the investigation, however, he opposed the prayer for bail. It is also not disputed that Prince @ Lala as well as Vimal Kumar, have already been granted the concession of regular bail. Counsel for the State, lastly, argued that out of 34 prosecution witnesses, only 03 PWs have been examined, so far.

Without commenting anything on merits of the case, considering the fact that the co-accused of the petitioner have already

been granted the concession of regular bail; he is not involved in any other case; the custodial interrogation of the petitioner is not required and the conclusion of the trial will take some time, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

However, it is made clear that in case the petitioner is found involved threatening any of the remaining prosecution witnesses or tried to influence them, in any manner then, it will be open for the prosecution to apply for cancellation of bail of the petitioner.

24.06.2020
yakub

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable:

Yes/No