

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

211

**CRM-M-10681-2022 (O&M)
Date of decision: 04.05.2022**

RAM SINGH

....Petitioner(s)

Versus

STATE OF HARYANA

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present : Mr. Ripudaman Singh Sidhu, and Mr Jaswinder Singh, Advocates
for the petitioner.

Mr. Ashish Yadav, Additional AG Haryana.

VINOD S. BHARDWAJ. J. (ORAL)

The instant 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.188 dated 27.05.2020 under Sections 302, 201, 328, 364 and 34 of the Indian Penal Code, 1860 registered at Police Station City Mandi Dabwali, District Sirsa.

Learned counsel for the petitioner points out that the petitioner has been falsely implicated in the aforesaid case and is in custody since 22.06.2020. He further points out that initially a written complaint was submitted by Mamta (widow of alleged deceased Sandeep Kumar and now co-accused) regarding missing of her husband Sandeep Kumar to the effect that he had left the house around 10:30/11:30 PM and was not traceable despite strenuous efforts made by her. It is on the basis of the said complaint that a case under Section 346 IPC was registered on 23.05.2020.

Thereafter on 20.06.2020, an application was submitted by Des Raj (father of Sandeep Kumar) to the effect that Mamta and his son Sandeep Kumar

did not enjoy cordial relations and Sandeep Kumar used to remain upset on account thereof. Resultantly, he had started working at a liquor vend at Malout. He has alleged that during the absence of his son, the petitioner used to visit his house to meet Mamta (wife of Sandeep Kumar). It is stated that on 22.05.2020 his son had informed that he had a quarrel with his wife Mamta on account of frequent and undesirable visits of the petitioner Ram Singh. He contends that there is no reason why the father of Sandeep kumae did not inform the prosecution about the said incident. Apart therefrom, no dead body has been recovered and as such, it cannot be conclusively ascertained that Sandeep Kumar has actually died. Besides, the allegation against the petitioner is that he had sourced the alleged sleeping pills that were administered by Mamta to the alleged deceased Sandeep Kumar. He contends that there is no such evidence collected by the prosecution that would establish that any sleeping pills were purchased by Ram Singh and handed over to Mamta. He further submits that the co-accused namely Kaptan Singh has already been extended the concession of bail by this Court vide order dated 08.03.2022 passed in CRM-M-16463 of 2021.

Mr. Ashish Yadav, Additional AG Haryana has opposed the prayer of the petitioner and has alleged that the petitioner is the paramour of the wife of Sandeep Kumar and had in fact aided the commission of offence by suppling the sleeping pills to Mamta. He, however, could not dispute that fact that despite the alleged disclosure statement of Mamta, no recovery of any nature has been effected from the petitioner. It is also not in dispute that the dead body of Sandeep Kumar has not been recovered by the prosecution and as such it is not possible for the prosecution to conclusively submit that Sandeep Kumar has since then died and that reliance is placed upon the circumstantial and surrounding circumstances to infer about the death of Sandeep Kumar. He submits that only 04 witnesses out

of 27 witnesses have been examined so far.

I have heard rival submissions advanced by the respective parties and have perused the material on record.

After taking note of the fact that name of the petitioner figured in the disclosure statement of co-accused Mamta and that no recovery has been effected from him. Besides, the dead body of Sandeep Kumar has not been recovered and the petitioner has already undergone an actual custody of more than 1 year 10 months and that the trial is still at initial stages as only 04 witnesses out of total 27 witnesses have been examined so far, I deem it appropriate to enlarge the petitioner on bail.

Accordingly, the present petition is allowed and the petitioner is admitted to regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of Trial Court/Duty Magistrate, concerned.

It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

The observation made hereinabove shall not be construed as an expression on the merits of the case and the Trial Court shall decide the case on the basis of available material.

(VINOD S. BHARDWAJ)
JUDGE

May 04, 2022

S.Sharma(syr)

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>