

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

205

CRM-M-16463-2021

Date of Decision:08.03.2022

Kaptan Singh

.....Petitioner

Versus

State of Haryana

.....Respondent

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

Present: Mr. Karunesh Kaushal, Advocate,
for the petitioner.

Mr. Ashish Yadav, Addl. A.G., Haryana.

VINOD S. BHARDWAJ , J.(Oral)

Instant petition has been filed under Section 439 Cr.P.C. seeking concession of regular bail to the petitioner in case FIR No.188 dated 27.05.2020 under Sections 302, 201, 328, 364, 34 IPC, registered at Police Station City Mandi Dabwali, District Sirsa.

Learned counsel for the petitioner contends that the FIR in question was initially got registered at the instance of Mamta Rani, wife of Sandeep Kumar about her husband having gone missing. Eventually, a statement was made by Des Raj, father of Sandeep Singh, on 20.06.2020 expressing apprehension against Mamta Rani and one Ram Singh who have been instrumental in causing death of his son Sandeep Kumar.

Learned counsel for the petitioner submits that as per the said

statement of father of the deceased, it is alleged that Sandeep Kumar used to tell him that if anything happens to him, his wife Mamta Rani should be held responsible and had expressed apprehension of physical harm at the behest or instance of Mamta Rani. It is further argued that there is no reason as to why Des Raj, father of Sandeep Kumar, remained silent for a period of one month since his son went missing. Besides, no dead body has so far as been recovered and it would thus be premature to contend that Sandeep Kumar has actually died. It is further argued that nothing has been recovered at the behest of the petitioner and he has been in custody since 22.06.2020. Despite the lapse of 01 year and 09 months since the arrest of the petitioner, trial has not made much progress and only 04 witnesses out of total 27 witnesses cited by the prosecution have been examined so far.

Mr. Ashish Yadav, Addl. A.G., Haryana, on the other hand has opposed the prayer and has alleged that the petitioner, who was a helper with Ram Singh, had actively participated along with Ram Singh and Mamta Rani in the commission of said offence. He, however, could not dispute the fact that no recovery has been effected from the petitioner and that even sedative pills alleged to have been administered to Sandeep Kumar were handed over to Mamta Rani by co-accused Ram Singh.

Learned counsel for the petitioner rebuts the same to contend that even though the investigating agency has made a reference to the statement of the brother of the Mamta Rani as well as Des Raj, however, the said statement or the call records would only suggest that Mamta Rani was in some relationship with co-accused Ram Singh and the same does not link the petitioner to the commission of offence in question. Further, there is no

statement, hence, the same cannot be read against the petitioner. The role against the petitioner at best is that he along with Ram Singh and Mamta Rani caused dis-appearance of Sandeep Kumar by taking him in a jeep and allegedly throwing him in the Raj Canal.

I have considered the submissions made by the respective parties and taking into account the fact that name of the petitioner figured only in the disclosure statement of the co-accused and that no recovery has been effected from him. He is also not attributed any specific role in causing of the alleged death of Sandeep Kumar as well as the fact that the body of Sandeep Kumar has not been recovered. In addition to the same, I have also considered the custody period as well as the stage of trial being at initial stages, without commenting on the merits of the case, lest it may prejudice the outcome of the trial, 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 the trial Court.

The observations made here-in-above 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.

March 08, 2022
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(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No