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THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-15957-2022(O&M)

Date of Decision: 07.12.2022

Vipul Singh @ Vivan

.....Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Bhupender Singh, Advocate for the petitioner.

Mr. Naveen Singh Panwar, DAG, Haryana.

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Section 439 of Code of Criminal Procedure for seeking grant of regular bail in case FIR No.70 dated 08.02.2021 under Section 302 read with Section 34 IPC and 25 of Arms Act registered at Police Station Chandni Bagh, Panipat, Haryana.

Learned counsel for the petitioner has submitted that the petitioner is in custody from 13.05.2021 which is almost 1 year and 6 months. He submitted that it is a case where as per the allegations in the FIR, the brother of the complainant namely, Gurmeet Singh had a fight with co-accused namely, Sukhdev Singh @ Sukha and for that purpose, the aforesaid co-accused Sukha was having enmity with his brother. On 07.02.2021. the aforesaid Sukhdev Singh called his brother and took him at about 10:00pm and along with 4 to 5 of the companions, they killed him by stabbing him in the stomach. He further submitted that the injuries have also been attributed to the co-accused Mehar Singh and it was thereafter that the name of the petitioner was nominated on the basis of the disclosure statement of the co-accused and the another co-accused namely, Magan Verma was also nominated on basis of the disclosure statement of the co-accused. He has submitted that

the aforesaid main accused, Sukhdev, Magan Verma who are at parity with the petitioner and Manjeet have already been extended the benefit of regular bail. He further submitted that at the time of trial, the complainant namely, Sunny and the two more eye-witnesses, did not support the prosecution version and they were declared hostile. He further submitted that in view of the aforesaid facts and circumstances, the petitioner may be considered for grant of regular bail.

On the other hand, learned State counsel has stated that it is correct that the petitioner is in custody from 13.05.2021 and the aforesaid 3 co-accused including the accused Sukhdev Singh, against whom there are direct attributions and who were named in the FIR, have been granted bail. He also submitted that it is correct that the complainant and the other two eye-witnesses have not supported the prosecution version and the petitioner has faced incarceration for 1 year and 6 months. He further submitted that the petitioner is not involved in any other case. He has, however, opposed the grant of bail on the ground that the matter is serious in nature.

I have heard the learned counsel for the parties.

The petitioner has faced incarceration for 1 year and 6 months. The main accused, namely, Sukhdev against whom there were direct allegations of causing death has already been extended the benefit of regular bail. One of the co-accused namely, Magan Verma is at parity with the petitioner because he was also nominated on the basis of the disclosure statement of the co-accused, has also been extended the benefit of bail, as per the learned counsel for the parties. The other co-accused namely, Manjeet has also been granted bail. Apart from the above, the complainant and the two eye

witnesses have not supported the prosecution version and they have turned hostile. The petitioner is not involved in any other case.

The trial of the case may take long time and therefore in the aforesaid facts and circumstances, this Court is of the view that the petitioner deserves the concession of regular bail.

Consequently, the present petition is allowed. The petitioner shall be released on regular bail, subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

However, anything observed herein above shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

Since the main case has been disposed of all the miscellaneous applications shall be deemed to be disposed of.

07.12.2022

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(JASGURPREET SINGH PURI)

JUDGE

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