

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 215

CRM-M-38257-2021

Date of decision : 02.02.2022

Phool Kuwar Singh

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.Rahul Deswal Advocate, for the petitioner.

Ms.Sheenu Sura, DAG, Haryana.

DEEPAK SIBAL, J. (ORAL)

The matter has been taken up through video conferencing.

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.42 dated 06.02.2021 registered under Sections 302, 307, 212, 120-B IPC and Sections 25 and 27 of the Arms Act, 1959 at Police Station IMT, Rohtak, District Rohtak.

The petitioner is being prosecuted for having conspired with his son to commit murder of Vikas @ Pandit.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case only for the reason that he is the father of the main accused namely Ravi @ Sonu; the petitioner has no criminal antecedents; the petitioner is in custody since 06.02.2021; the investigation in the case is complete; the only evidence qua the petitioner with the prosecution is the petitioner's confession allegedly made by him in police custody; such confession has no evidentiary value and that the petitioner's trial, which is yet to begin and in which 53 witnesses have been cited by the prosecution, will take a long time to conclude.

Learned State counsel opposes the grant of bail to the petitioner on the ground that the petitioner as also co-accused-Mohit have confessed in police custody that 20 days prior to the murder of Vikas @ Pandit, the petitioner, Ravi

@ Sonu and Mohit had conspired to murder him and that if released on bail the petitioner may influence the witnesses.

The only evidence of the alleged conspiracy by the petitioner is his and co-accused-Mohit's confession allegedly made by them in police custody. In the light of Section 25 of the Indian Evidence Act, 1872, the evidentiary value of such confessions would be debated during the course of the petitioner's trial. However, the petitioner is in custody for last nearly one year; except the afore referred confessions no further evidence is found on the record to connect the petitioner with the crime he is accused of; the investigation in the case is complete; the petitioner does not face any other criminal case and in the petitioner's trial which is yet to begin 53 prosecution witnesses have been cited by the prosecution, therefore, the same is likely to take a long time to conclude.

In view of the above, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Rohtak the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

It is further clarified that if the petitioner is found indulging in any criminal act or misusing the concession of bail granted by this Court, it would be open to the State to seek cancellation of the bail granted through this order by filing of an appropriate application before this Court.

02.02.2022

shamsher

Whether speaking/reasoned

:

Yes / No

Whether reportable

:

Yes / No

[DEEPAK SIBAL]

JUDGE