

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-26103-2022 (O&M)

Date of decision :04.07.2023

Jaiveer Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Ranvijay Singh, Advocate
For the petitioner.

Mr. Vikas Bhardwaj, AAG, Haryana.

Mr. Deepak Singh Saini, Advocate,
For the complainant.

ARUN MONGA, J. (ORAL)

Aggrieved on being declined bail by the learned trial court, petitioner before this Court, aged 41 years, seeks his release as undertrial in criminal case bearing FIR No.77 dated 14.04.2020, registered under Sections 302, 201 IPC (Section 120-B IPC added later on) at Police Station Sadar Dadri, District Charkhi Dadri.

2. Per prosecution, case was registered on the complaint of Sunil son of Dayanand, resident of village Charkhi with the allegations that on 10.04.2020 at 4:00 p.m., his younger brother Pardeep had gone to Dadri to meet petitioner-Jaiveer in a car (make Beat), bearing registration No.HR-19-H-6122. At about 7:00 p.m., petitioner-Jaiveer informed wife of Pardeep on mobile phone that an accident involving said vehicle has taken place. Complainant and his family members rushed to Government

hospital, Dadri only to discover that dead body of his brother Pardeep was

lying on a stretcher. The attending doctor informed that he was brought dead. Petitioner-Jaiveer was present there, who disclosed that due to a cow, the fatal accident occurred at Kaliyana road. On inspection of vehicle by complainant, parked in the hospital, no sign was found to suggest that any vehicular accident. Complainant got suspicious that murder of his brother has been committed by petitioner-Master Jaiveer Singh in a pre-planned manner. With the aforesaid allegations, an FIR under Section 302 and 201 IPC was lodged.

2.1. During investigation, petitioner was arrested. On interrogation, petitioner-accused Jaiveer suffered disclosure statement *qua* the involvement of co-accused Manika. Co-accused Manika was also thus arrested and Section 120-B IPC was added

3. Petitioner was arrested on 21.04.2020 and since then he is in custody.

4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the case. The case of the prosecution is based on circumstantial evidence. Challan has already been presented. Petitioner is no more required for custodial interrogation. He further submits that conclusion of trial will take long time and no useful purpose would be served by keeping the petitioner behind the bars.

5. Per contra, learned State counsel, opposes the bail. On instructions from SI Surender Singh submits that there are total 38 prosecution witnesses, out of which 21 have already been examined, 13 witnesses have been given up by the prosecution. He further contends that the offence against the petitioner is serious in nature.

6. I have heard the rival contentions of the respective learned counsels.

7. In course of hearing, it transpires that prosecution evidence is still going and testimony of just one more prosecution witness is to be recorded.

8. Given the nature and gravity of offence, I am not inclined to grant bail at this stage as possibility of influencing the unexamined witness cannot be ruled out. However, the petitioner is at liberty to approach learned trial Court after the completion of recording of prosecution testimony. Learned Court below shall be at liberty to entertain the petition for grant of bail, if so moved, and pass fresh orders, as it may deem fit. The bail petition is accordingly disposed of.

9. It is made clear that any observations/submissions made herein above shall not have any effect on merits of the case as the same are for the limited purpose of hearing the instant bail petition alone at this stage and learned trial Court shall proceed without being influenced with this order.

10. Pending application(s), if any, shall also stand disposed of.

04.07.2023

Vandana

Whether speaking/reasoned :

Whether reportable :

(ARUN MONGA)

JUDGE

Yes/No

Yes/No