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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-34599-2022 (O&M)

Date of decision:05.10.2023

Lovepreet Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN MONGA**Present:** Mr. Sant Pal Singh Sidhu, Advocate
for the petitioner.

Mr. Mohit Thakur, AAG, Punjab.

ARUN MONGA, J. (ORAL)

Certified copy of deposition of PW-1 complainant Sardool Singh recorded by learned trial Court, has been tendered in course of hearing by learned counsel for the petitioner, which is taken on record and marked as Annexure 'A'.

2. Following the denial of bail by learned trial court, the petitioner is now before this Court seeking his release as an undertrial in a case with FIR No.70 dated 26.05.2022, registered under Sections 120-B, 201, 302 read with Section 34 of Indian Penal Code, 1860 (for short 'IPC') at the Sadar Malout, Police Station in Sri Muktsar Sahib.

3. An FIR was registered based on the statement of complainant Sardool Singh, who alleged that on 20.05.2022, at 04:00 p.m., his son Vikramjit Singh alias Vicky received a phone call and left the house, saying he would return shortly, but he never did. The complainant made several calls to him but received no response. On 22.05.2022, around noon, he learned that his son's dead body had been recovered from a drain in the area of village Malout. As his son had died under suspicious circumstances, proceedings under Section 174 Cr.P.C. were initiated. However, the complainant continued his own inquiries and discovered that his son Vikramjit Singh alias Vicky had been murdered by Jatin Kumar alias Mannu Popli and Rahul Khurana after giving him some poisonous or intoxicating substance, which led to his death.

They then disposed of the body in a drain. He prayed for action to be taken against the culprits. The complainant further alleged that his son had been murdered by the aforementioned co-accused, Jatin Kumar alias Mannu Popli and Rahul Khurana. However, during the investigation, co-accused Jatin Kumar alias Mannu Popli implicated the petitioner in the present case, stating that the deceased used to procure heroin from the petitioner, Lovepreet Singh, and used to consume it, resulting in financial transactions between them. On 21.05.2022, the deceased had reportedly obtained heroin from the petitioner and returned to Malout. Jatin Kumar and Rahul Khurana allegedly administered a significant amount of heroin to the deceased, which led to his death. The petitioner was arrested on 29.05.2022 and has been in custody since then.

4. Learned counsel for the petitioner contends that the allegations against the petitioner involve conspiring with the prime accused, Jatin Kumar alias Mannu, and Rahul Khurana in committing the offense under Section 302 IPC, both of whom are in custody. He further submits that based on the testimony of the complainant (Annexure 'A'), it is evident that he has not supported the prosecution's version regarding the petitioner's alleged involvement in the conspiracy.

4.1 He further submits that initially, the petitioner was not named in the FIR. The co-accused of the petitioner, namely, Jatin Kumar and Rahul Khurana, were arrested and made confessional statements. Subsequently, the petitioner was named in the case. The petitioner is not involved in any other case.

4.2 He further submits that the petitioner is not required for further custodial interrogation. There is no likelihood of the petitioner tampering with evidence or influencing prosecution witnesses. The petitioner is entirely innocent and has been falsely implicated in the case.

5. On the other hand, learned State counsel vehemently opposes the petition, expressing concerns about the possibility of the petitioner fleeing from trial

proceedings if granted bail. He acknowledges that the allegations against the petitioner are serious but concedes that no other case is pending against him.

6. I have heard the opposing arguments of the learned counsels for the parties and have reviewed the case file.

7. In response to a query from the Court, as instructed by ASI Ashok Kumar, learned State counsel informs that charges were framed on 11.10.2022 after the challan was filed. Investigation concerning the petitioner is complete, and he is not required for custodial interrogation. At this stage, the allegations against the petitioner are subject to trial. Of the twenty-eight prosecution witnesses, only one has been examined so far, and the case is scheduled for 27.10.2023. The trial's progress has been slow, and it is expected to take a considerable amount of time. Bail serves the purpose of allowing an accused to remain free until their guilt or innocence is determined. In contrast, the petitioner has been in detention since May 29, 2022, for more than 01 year and 04 months.

8. The petitioner's continued preventive custody is based on an unsubstantiated suspicion that he might tamper with evidence or influence witnesses.

9. The petitioner is a 23-year-old young man at a critical juncture in his career. Prolonged incarceration may jeopardize his career prospects and leave him jobless. With a family to support, a fixed abode, and a clean record, it is unlikely that he poses a flight risk or will flee from trial proceedings.

10. Considering the overall scenario and without commenting on the merits of the case, the instant petition is allowed. I am of the view that no useful purpose would be served to keep the petitioner in further preventive custody.

11. Accordingly, petitioner is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of Ld. trial Court, where his case is being tried and in case he/she is not available, before learned Duty Judge, as the case may be.

12. In case, petitioner is found involved or gets involved in any offence while on bail or the certified copy of deposition of complainant Sardool Singh dated 27.09.2023, marked as Annexure ‘A’ today, is found incorrect, the prosecution shall be at liberty to seek cancellation of his bail in the instant case.

13. It is made clear that any observations and/or submissions noted hereinabove shall not have any effect on merits of the case as the same are for the limited purpose of bail hearing alone and learned trial Court shall proceed without being influenced with this order.

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

(ARUN MONGA)
JUDGE

05.10.2023
vandana

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No