

. 2023:PHHC:074801
CRM-M-47492 of 2022

[1]

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-47492 of 2022
Date of decision: 24th May, 2023

Vipin

Petitioner

Versus

State of Haryana

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. R. S. Rai, Senior Advocate with
Mr. Aman Bahri and Mr. Sushil Jain, Advocates for the
petitioner.

Mr. Sharad Aggarwal, DAG, Haryana.

AVNEESH JHINGAN, J (Oral):

1. This is third petition seeking regular bail in FIR No. 559 dated 7.7.2020, under Sections 302, 324 read with Section 34 IPC, registered at Police Station Model Town, District Panipat. Earlier two petitions under Section 439 Cr.P.C. were dismissed as withdrawn on 8.10.2021 and 24.8.2022, respectively.

2. The case as set up by the prosecution is that on 7.7.2020, Idrish was murdered and the cause of death was a wound inflicted on the neck with a sharp edged weapon. FIR was registered at the instance of Rashid, brother of the deceased. The deceased was allegedly in relationship with Rani, mother of Ankush (co-accused). Ankush was apprehended on 8.7.2020. In his first disclosure statement made on 9.7.2020, he confessed his guilt of having murdered the deceased. In the second disclosure

statement recorded on 10.7.2020, Ankush named Vipin (petitioner) having accompanied him on the fateful day and participated in the incident by pinning down the deceased. In a statement recorded under Section 161 Cr.P.C., Rani stated that on the late night of 6.7.2020, Ankush along with the petitioner were roaming near their house and she suspects that Ankush killed the deceased. Subsequently on 17.7.2020, Rani and her daughter were murdered. FIR No. 592 dated 17.7.2020, under Section 302 IPC (Section 201 read with Section 34 IPC added later on) at Police Station Model Town, Panipat was registered. The petitioner was nominated in FIR No. 592 on the basis of secret information and he was granted bail by this court on 9.11.2022.

3. Learned senior counsel for the petitioner submits that (i) the petitioner is in custody since 22.8.2020, (ii) there was no recovery from the petitioner, (iii) the knife allegedly used in the occurrence was recovered at the instance of Ankush, (iv) the petitioner was not named in the first disclosure statement of Ankush (v) that Rani in her statement under Section 161 Cr.P.C. had not stated that apart from Ankush another person was present at the time of occurrence (vi) confessional statement of the petitioner and disclosure statement of the co-accused has no evidentiary value, lastly that (vii) the only role attributed by Rani was that the petitioner was roaming late at night along with her son near her house on 6.7.2020. He further relies on the fact that in FIR No. 592, the petitioner was granted bail on 9.11.2022.

4. Learned counsel for the State opposes the prayer for grant of bail and submits that Rani in her statement under Section 161 Cr.P.C.,

specifically named the petitioner and he is also involved in FIR No. 592.

5. The observations made hereinafter shall not be construed as an expression of opinion on the merits of the case.

6. The petitioner is in custody since 22.8.2020. Out of twenty four prosecution witnesses, only ten have been examined till date and conclusion of trial is likely to take time. No recovery was made from the petitioner. At this stage, it would not be appropriate for this court to comment on the evidentiary value of the confessional statement and the disclosure statement of the co-accused. No specific role was attributed to the petitioner by Rani in her statement under Section 161 Cr.P.C. No useful purpose would be served by depriving the personal liberty of the petitioner. The petitioner is granted bail subject to his furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

7. The petition is allowed.

[AVNEESH JHINGAN]
JUDGE

24th May, 2023
mk

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