

212

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-52108-2022 (O&M)
Date of Decision: 18.04.2023

Nihal Singh

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Naveen, Advocate for
Mr. Sanjiv Gupta, Advocate
for the petitioner.

Mr. Amrik Narwal, DAG, Haryana.

HARSH BUNGER J. (ORAL)

1. Petitioner (Nihal Singh) has filed the present petition under Section 439 of the Code of Criminal Procedure seeking grant of regular bail in case bearing FIR No.123 dated 17.04.2019, under Section 306 read with Section 34 of the Indian Penal Code, registered at Police Station Nissing, District Karnal.
2. Upon issuance of notice, status report by way of affidavit dated 10.02.2023 of Mr. Gaurav Fogat, H.P.S., Deputy Superintendent of Police, Karnal-2 has been filed on behalf of State of Haryana, which is already on record.
3. Briefly, the aforesaid FIR was registered on the complaint of

Vikram Singh, who stated that his father, namely Kiran Pal Singh, was working as a private Veterinary Doctor in the Village, who had financial dealings with his co-villagers, namely Ishwar, Babla and Rohtas, who were running a Company in the name of 'Bhagwati Trading Company' at Karnal. It was stated that Kiran Pal Singh also had financial dealings with one Rajinder r/o Village Bastara. It is alleged that all these persons used to harass and torture the father of complainant and Nihal Singh Patwari (petitioner) had also taken an amount of Rs.25,00,000/- from his father for providing land and due to the aforesaid reasons, his father was upset and depressed from the last many days. It is alleged that when the family members asked his father regarding the reason for his depression then he told that Ishwar, Babla and Rohtas are harassing him with regard to the money transaction matters and Nihal Singh (petitioner) is neither returning the money nor providing the land to him. Thereafter on 10.02.2019, when the complainant came to his house then his father told him that the aforesaid persons along with 5-7 other persons came to Village Gonder and they harassed and tortured him with regard to the aforesaid money transaction matters and they also extended threats to kill the complainant's father. At this, the complainant tried to console his father. However, on 16.04.2019, the complainant received a call from Vijender Singh s/o Sukhpal Singh, who told him that his father has committed suicide by hanging himself. Accordingly, the aforesaid case FIR was got registered.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case and he has no concern with the suicide committed by Kiranpal. It is submitted that the petitioner neither acquire any knowledge with regard to the money transactions in question

nor he ever visited the house of deceased-Kiranpal. It is submitted that with regard to the alleged money transactions, Kiranpal had got registered one FIR against the petitioner along with other accused persons, vide FIR No.1259 dated 21.11.2016, under Sections 406, 420 read with Section 34 of the Indian Penal Code, which is pending consideration before the Courts at Karnal. It is stated that the petitioner never extended any threats to the deceased-Kiranpal. Learned counsel contends that neither any specific allegations have been levelled against the petitioner in the alleged suicide note of deceased-Kiranpal nor any date on the said suicide note is forthcoming. It is next submitted that there is nothing on record to show that by way of which mode or manner the petitioner had allegedly harassed/tortured deceased-Kiranpal, which may constitute abetment to commit suicide.

5. Learned counsel for the petitioner contends that co-accused, namely Rajinder and Rohtas, have already been granted the concession of regular bail by the Court of Additional Sessions Judge, Karnal. Copies thereof are handed over by learned counsel for the petitioner in Court today, which are taken on record, subject to all just exceptions.

6. Learned counsel for the petitioner submits that the petitioner is in custody for the last more than one year; investigation in this case is complete, challan stands presented and even charges have been framed on 19.09.2022 and out of total seventeen prosecution witnesses, no one has been examined till date. Hence, conclusion of trial will take some time and no useful purpose would be served with further incarceration of the petitioner. Learned counsel for the petitioner submits that the petitioner is

ready to abide by all the conditions as may be imposed by this Court or by the trial Court, accordingly prayer for grant of regular bail is made.

7. On the other hand, learned State counsel opposes the plea of petitioner for grant of regular bail on the ground of seriousness of offences, however, while relying upon the status report dated 10.02.2023, it is not disputed that investigation in this case is complete, challan stands presented and charges have been framed on 19.09.2022 and also that the petitioner is in custody for more than one year in this case. It is also not disputed that out of total seventeen prosecution witnesses, no one has been examined by now.

8. I have heard learned counsel for the parties and perused the paper book, status report as well as custody certificate of the petitioner.

9. As per status report dated 10.02.2023, the petitioner is in custody in the present case for a period of more than one year; investigation in this case is complete, challan stands presented and even charges have been framed on 19.09.2022. Out of total seventeen prosecution witnesses, no one has been examined till date. Moreover, co-accused, namely Rajinder and Rohtas, have already been granted the concession of regular bail by the Court of Additional Sessions Judge, Karnal. Trial in the case is likely to take long time and no useful purpose would be served by keeping the petitioner behind bars.

10. Keeping in view the aforementioned circumstances, the instant petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate concerned. However, the concerned Station House Officer shall be informed about the release of

petitioner and the petitioner shall inform the concerned Station House

Officer about his address at which he intends to reside during the pendency of case/trial and any change in the address shall be communicated to the concerned Station House Officer, forthwith. The petitioner would also furnish his telephone number to the concerned Station House Officer. He would also furnish his undertaking to the effect that he will not indulge in any illegal activity.

11. In addition, the petitioner (or anyone on his behalf) shall prepare a Fixed Deposit Receipt (F.D.R.) in the sum of Rs.50,000/- and submit the same with the trial Court. The same would be liable to be forfeited as per law, in case the petitioner remains absent from trial without any sufficient cause.

12. Nothing expressed hereinabove shall be construed to be an observation on merits of the case and the facts and circumstances recorded above are only for consideration of the prayer for bail at this stage.

13. The petition is accordingly disposed of.

14. All pending application(s), if any, shall also stand closed.

18.04.2023*Apurva***(HARSH BUNGER)
JUDGE**

1. Whether speaking/reasoned : Yes/No

2. Whether reportable : Yes/No