

CRM-M-55797-2023 (O&M) -1-

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(230)

CRM-M-55797-2023 (O&M)

Date of decision:- 15.11.2023

Vikram Singh @ Som ... Petitioner
Versus
State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Ms. Riffi Birla, Advocate
for the petitioner.

Mr. Arun Luthra, DAG, Punjab
for State-respondent.

SUVIR SEHGAL, J. (ORAL)

1. Instant petition has been filed under Section 439, Cr.P.C. seeking grant of post-arrest bail in:-

FIR No.	Dated	Police Station	Sections
100	26.04.2020	City-1 Abohar, District Fazilka	302, 201, 34, 188 and 120-B, IPC and Section 51 of the Disaster Management Act, 2005

2. Version of the prosecution is that FIR, Annexure P-1, has been registered on the statement of a ASI, wherein it has been stated that he found a dead body of a male lying on the road near Khalsa College at about 07:40 A.M. There were some injuries on the body, which indicated that he had been murdered. Attempts to identify the body could not succeed.

3. Counsel for the petitioner contends that the petitioner has been implicated on the basis of statement of Balwinder Kaur, mother of the deceased. He submits that the dead body was identified by Kashmir Singh and Dara Singh, father and brother of the deceased. Counsel submits that all the three material witnesses have been examined and they have not supported the case of the prosecution. Counsel asserts that the petitioner, who is 22 years of age with a clean past and is languishing in custody since 02.05.2020, deserves to be enlarged on bail as he has been falsely implicated.

4. *Per contra*, State counsel upon instructions from HC, Pardeep Singh, has opposed the petition. He submits that Geeta, deceased's wife, was in an extra marital relationship with Gagandeep Singh, which was objected to by the deceased. A conspiracy was hatched, Geeta, Gagandeep along with his companions Sukhwinder Singh @ Bundi, Sunny Singh and Vikram Singh @ Som (present petitioner) murdered her husband and disposed of his body to hide the crime. State counsel submits that besides the statements of the crucial witnesses, the prosecution possesses sufficient incriminating material to nail the petitioner. As per his instructions, 4 out of 21 prosecution witnesses have been examined.

5. I have heard counsel for the parties and considered their respective submissions.

6. Petitioner is a young boy and is in confinement for the last more than three and a half years. Role ascribed to him will be determined by the Trial Court. Prosecution has yet to examine 17 witnesses and the trial is not likely to conclude in the near future. All the vital prosecution witnesses

have been examined. Noticing the length of custody of the petitioner, role allegedly ascribed to him and the stage of the trial, this Court is of the opinion that he deserves to be enlarged on bail during the pendency of the trial.

7. Without adverting to the merits or demerits of the arguments addressed by counsel for the parties, petition is allowed. Petitioner is ordered to be released on bail on furnishing adequate bail/surety bonds to the satisfaction of the Area Magistrate/Duty Magistrate/Trial Court concerned.

8. Nothing said hereinabove shall be construed to be an expression of opinion on the merits of the case.

(SUVIR SEHGAL)
JUDGE

15.11.2023
Kamal

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No