

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRA-S-1772-2023 (O&M)

Date of decision: 24.04.2024

Deep Singh @ Deepa

....Appellant

V/s

State of Haryana and another

....Respondents

CORAM: HON’BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Aditya Sanghi, Advocate for the appellant.
Ms. Priyanka Sadar, AAG Haryana.
Mr. Abhinav Singla, Advocate for
Mr. Naresh Ganga, Advocate for respondent No.2.

SUMEET GOEL, J. (Oral)

1. Present appeal has been filed under Section 14-A of the Scheduled Caste & Scheduled Tribes (Prevention of Atrocities) Act, 1989 for grant of regular bail to the appellant in case bearing FIR No.42 dated 09.02.2022, registered for the offences punishable under Sections 363, 366, 302, 212, 201, 120-B and 34 of IPC and Section 3(2)(v) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 at Police Station Kalanwali, District Sirsa.
2. The case set up in the FIR in question (as set out in the present petition by the appellant) is as follows:-

“Statement of Jiwan Singh son of Charana Singh Caste SC R/o Gadrana. I am resident of above mentioned address and am doing Labour work. We are four Sisters Brothers, that sister younger than me Veerpal Kaur, younger than her sister Amit Usha and youngest one is Manpreet alias Anju, out of them me, Veerpal Kaur and Amit Usha are married. My youngest sister Manpreet alias Anju is unmarried, whose age is around 22 years. I use to sleep in separate room. My mother and my sister Manpreet alias Anju used to sleep in adjoining room. On dated 07.02.2022 at night time at around 08.00 we all the members after having dinner had gone to sleep, that at around 12.00 hrs at night I stood up for drinking water then I saw in the room of my mother that my mother Jaswinder Kaur was sleeping but my sister Manpreet thereafter, alias Anju was not the in

room, that I accompanied by my father Charan Singh went to search out my sister Manpreet alias Anju, that my sister Manpreet alias Anju was found in dead condition in the Mustard field of Soni Sarpanch R/O Taruana, there are marks upon her throat. I have suspicion that murder of my sister Manpreet Kaur alias Anju has been committed by Deepa Singh son of Mohan Singh Caste Prajapat and Deepak Kumar son of Harbans Kaur Brahman residents of Gadrana by strangulating her throat. Legal action may kindly be initiated against both of them. We were coming to you to give information that you met us. That the dead body of my sister Manpreet Kaur @ Anju is lying at Khatrawa road near bridge, Soni Sarpanch resident of Taruana in is mustard field. Legal Action be taken Sd/- Jeewan Singh.”

3. Learned counsel for the appellant has argued that the appellant is in custody since 11.02.2022. Learned counsel has further argued that, from the report filed under Section 173 of Cr.P.C. especially the disclosure alleged to have been made by the petitioner on 06.08.2021, no culpability is made out against the petitioner. According to him, the case in hand is not of an eye-witness account but pertains to circumstantial evidence wherein the chain required is incomplete & all material witnesses already stand examined. In this view of the matter, learned counsel has prayed for grant of regular bail.

4. Learned State counsel has opposed the present petition arguing that the allegations raised are serious in nature and thus the appellant does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated 23.04.2024 in Court, which is taken on record.

5. Learned counsel appearing for respondent Nos.2 has vehemently opposed the grant of bail by arguing that allegations against the appellant are serious in nature and hence he ought not to be extended the concession of regular bail.

6. I have heard counsel for the parties and have gone through the available records of the case.

7. The appellant was arrested on 11.02.2022 whereinafter investigation was carried out and challan stands presented on 07.05.2022. Total 26 prosecution witnesses have been cited out of which 03 witness i.e. complainant, father of the deceased and cousin brother of the deceased already stand recorded. No substantial material/private witnesses is left out to be examined. The rival contention of learned counsel for the parties; as to whether culpability of the petitioner is made out from the facts and circumstances of the case and also as to whether the chain is complete or not as the case hinges on circumstantial evidence; shall be gone into during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the appellant absconding from the process of justice or interfering with the prosecution evidence. As per custody certificate dated 23.04.2024 filed by learned State counsel, the appellant has already suffered incarceration for a period of about 02 years and 02 months & is not shown to be involved in any other case.

Suffice to say, further detention of the appellant as an undertrial is not warranted in the facts and circumstances of the case.

8. In view of above, the present appeal is allowed. Appellant is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the appellant shall remain bound by the following conditions:-

- (i) The appellant shall not mis-use the liberty granted.

- (ii) The appellant shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The appellant shall not absent himself on any date before the trial.
- (iv) The appellant shall not commit any offence while on bail.
- (v) The appellant shall deposit his passport, if any, with the trial Court.
- (vi) The appellant shall give his cellphone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaq Magistrate.
- (vii) The appellant shall not in any manner try to delay the trial.

9. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the appellant.

10. Ordered accordingly.

11. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

12. Since the main appeal has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

April 24, 2024
Ajay

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