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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M No.31042 of 2024
Date of decision : 29.04.2025**

Vipin @ Jeevan

.....Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Sudhir Rana, Advocate
for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed praying for the grant of regular bail to the petitioner in case bearing FIR No.113, dated 11.06.2022, under Sections 302, 201, 346, 364 & 34 of IPC, 1860, registered at Police Station Sadar Rewari, District Rewari (Sections 302, 201 & 364 of IPC were added later on during investigation).

2. Succinctly the facts of the case are that FIR in the present case was lodged on the basis of statement of complainant, namely, Munni Devi, i.e. the mother of deceased, Deepak. It was alleged that on 10.06.2022 at about 06:00 P.M., her son Deepak was taken by his friends, namely, Jeevan (petitioner), son of Rajesh Kumar and Honey (co-accused), son of Ramkishan. She contacted her son on phone but the same was found switched off. She waited for him but he did not returned back



home. It was suspected that Jeevan and Honey had kidnapped her son, Deepak. The request was made to take the search of her son. On the registration of FIR, the investigation commenced. During the investigation, dead body of deceased, Deepak was found by the police on the next date, i.e. on 11.06.2022. Postmortem of the dead body was conducted. Complicity of the petitioner was found by the Investigating Agencies and thus, he was arrested on 12.06.2022. His disclosure statement was recorded on the same day, i.e. 12.06.2022. The petitioner approached the Court of learned District & Sessions Judge, Rewari praying for the grant of bail. However, after hearing both the sides finding no merit in the same, the learned District & Sessions Judge, Rewari declined the petition filed by the petitioner vide his order dated 15.05.2024. Hence being aggrieved the petitioner is before this Court by way of filing the present petition praying for the grant of regular bail.

3. Learned counsel for the petitioner has vehemently contended that the petitioner is a young boy, who has been falsely and frivolously implicated in the present case. He has submitted that implication of the petitioner in the present case is merely on the basis of suspicion but the prosecution has not been able to collect any credible evidence against the petitioner. He has submitted that the complainant had suspected the petitioner on the ground that her son, Deepak was taken from home by the petitioner and his friend, Honey. He has submitted that on the suspicion basis, the petitioner was arrested and on the basis of disclosure statement of the petitioner, he has been termed as prime accused in the present case. He has submitted that the deceased-Deepak admittedly was facing prosecution in a murder case of one Bhuru and that trial is pending till



date. He has submitted that the petitioner was alleged to have taken the revenge of murder of Bhuru and hence, he is behind bars from last about 03 years. He has submitted that case of the prosecution is totally based on circumstantial evidence and there being no credible evidence with prosecution, his prosecution is nothing but an abuse of the process of the Court. He has submitted that the prosecution has not been able to conclude the trial despite the long incarceration of the petitioner. He has thus submitted that in the facts and circumstances, the petitioner deserves to be granted bail.

4. *Per contra*, learned counsel for the State has opposed the submissions made by counsel for the petitioner. He, on instructions, has submitted that it was the petitioner, who had taken away the deceased from his home and as he was last seen in the company of the deceased, was bound to disclose the whereabouts of the deceased. However on the very next day, dead body of the deceased-Deepak was found with 22 incised injuries as per the postmortem report. He has submitted that the petitioner had a strong motive to eliminate the deceased as the deceased was facing prosecution for the murder of Bhuru, who was the friend of petitioner. He has submitted that the weapon of offence has also been recovered in the present case at the behest of the petitioner. He has submitted that out of 24 prosecution witnesses, 14 witnesses already stand examined. He has produced the custody certificate of the petitioner today in the Court.

5. Heard.

6. After hearing learned counsel for the parties and perusing the record, it is apparent that case of the prosecution is based on the



circumstantial evidence. The prosecution has produced the complainant as the last seen witness, who had allegedly seen the petitioner having taken her son from home. Besides this, there is a disclosure statement of the petitioner. From the arguments advanced, this is an admitted fact that the deceased was facing prosecution in a murder case and the trial is pending till date. On the custody certificate, it is revealed that the petitioner has suffered incarceration of 02 years, 09 months and 15 days as on 28.04.2025. Besides this, the petitioner has faced prosecution in one more case wherein he was convicted, however he has been released on bail in the same.

7. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court.

8. This Court would refrain itself from commenting anything on the merits of the case. Keeping in view the arguments raised by both the sides and perusing the record, the Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for the grant of bail. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

29.04.2025

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(RAJESH BHARDWAJ)
JUDGE

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