

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA.

Cr. M.P.(M) No. 32 of 2010

Date of decision: 29.01.2010

Sodi Singh

...Petitioner.

Versus

State of H.P.

...Respondent.

Coram

The Hon'ble Mr. Justice Kuldip Singh, Judge.

Whether approved for reporting? No

For the petitioner : Mr. Shanti Swaroop, Advocate.

For the respondent : Mr. Anshul Bansal, Addl. A.G.

Kuldip Singh, Judge. (Oral)

This is an application under Section 439 Cr.P.C. for releasing the petitioner on bail in FIR No.133 dated 20.05.2009 registered at Police Station Nalagarh under Sections 302/34, 120B, 201 I.P.C. and Section 25 of the Arms Act. The status report has been filed.

2. *Heard and perused the record. It has been submitted on behalf of the petitioner that petitioner has been falsely implicated in FIR No. 133 dated 20.05.2009. The petitioner is in custody since 30.06.2009. The investigation in the case is complete and the challan has already been submitted, therefore, the continuous detention of the petitioner is not necessary. The petitioner is ready to furnish bail bonds in accordance with the directions of this court.*

3. *It has been submitted that the prosecution case is highly improbable, nobody would kill another person on 'supari' just on the payment of Rs. 20,000/-. The petitioner had earlier filed bail application which has been rejected by learned Additional Sessions Judge, Solan on 11.11.2009.*

¹ *Whether reporters of Local Papers may be allowed to see the Judgment? Yes*

3. The bail application has been opposed by learned Additional Advocate General on the basis of status report. The prosecution case in brief is that the family of the deceased Kirpal Singh had land dispute with Sodi Singh and his family. The petitioner hired Sanjeev alias Sanju and his real brother Vikram Singh for killing Kirpal Singh on payment of Rs. 50,000/- and an amount of Rs. 20,000/- was paid in advance. Sanjeev alias Sanju and Vikram Singh engaged other persons for executing the plan. On 19.5.2009 Sanjeev alias Sanju and others were seen taking liquor at Panjera and they were moving together in that area. Sanjeev alias Sanju etc. had stopped one motorcycle at Gularwala bridge and gave him beatings but thereafter they ran away from that place. Sanjeev alias Sanju got recorded his statement under Section 27 of the Evidence Act and got recovered 12 bore country made 'katta' and live cartridge. It is the case of the Investigating Agency that petitioner Sodi Singh got killed Kirpal Singh through Sanjeev alias Sanju etc. who were hired to kill Kirpal Singh. The challan has been presented on 19.9.2009. The learned Additional Advocate General has prayed for dismissal of the bail application.

4. I have considered the submissions made by learned counsel for the parties. The allegations against the petitioner are very serious. The prosecution case against the petitioner is that petitioner is the main person who hired others for killing Kirpal. on payment of Rs. 50,000/- and an amount of Rs. 20,000/- was paid in advance. The rest of the amount was to be paid later on. The submission of the learned counsel for the petitioner that petitioner is innocent and there is no evidence against him has no force at this stage. According to Investigating Agency, it is a case of conspiracy of petitioner with others. The main conspirator is the petitioner and conspiracy was executed on the spot with the help of others. Thus, in the facts and circumstances of

the case no case is made out by petitioner for the grant of bail, accordingly bail application is dismissed. The observations made in this order are for the disposal of this application only and the same shall not be treated as expression of opinion on the merits of the case.

January 29, 2010
(Virender)

**(Kuldip Singh),
Vacation Judge**