

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

CRM-M-45223 of 2016

Date of Decision: 05 December, 2017

Jagdeep

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

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

Mr. Munish Sharma, AAG, Haryana.

FATEH DEEP SINGH, J.

The allegations against the petitioner-Jagdeep in this regular bail application under Section 439 Cr.P.C are to the effect that between period 15.11.2015 to 16.11.2015 as is alleged by Maha Singh, complainant that his younger brother Inder Singh who resides in *dera*, outside the village and maintains cattle herds, where he use to sleep and further it is alleged that as usual on 15.11.2015 around 8.30 p.m after having dinner, deceased went to *dera* and when next morning nephew of the complainant Sachin went to the *dera* with tea, he saw Inder Singh lying in a pool of blood with slit on his neck. The body was bearing other injuries and rope, electrical cable and piece of cloth were lying near the dead body along with mobile phone.

During the course of investigations, it transpired that the petitioner-Jagdeep and his brother Sukha @ Sukhwinder were instrumental in this murder by means of *farsa* (a sharp edged weapon) and which was recovered as a consequence of his disclosure statement.

Learned counsel for the petitioner contended that as per the report of the Chemical Examiner there is no blood stains on alleged weapon and that recovery on the basis of disclosure statement is a weak piece of evidence and there is no evidence to connect the petitioner with the commission of offence and that extra-judicial confession has come about 5 days after the alleged occurrence belatedly and is denuded of any credibility.

The bail application is stoutly opposed by learned State counsel on the grounds that it is the own stand of the accused in his disclosure statement that he has washed off the blood stains from the weapon and that is why the report of the Chemical Examiner brings forth this fact and that the trial is underway and if allowed bail, the petitioner would influence the witnesses, who belongs to the same very area.

Going through the submissions of the two sides, no doubt, it is a case solely based on circumstantial evidence. The very recovery of the weapon on the statement of the accused, his own stand and the explanation coming out why there was no blood stains on the *farsa* are circumstances need to be taken note of at this juncture. The trial is underway and the apprehension of the State that if allowed bail the petitioner would certainly influence the witnesses is not unfounded. Thus, in view of the heinousness of offence and seriousness of allegations no ground to allow the bail to the petitioner is made out.

Dismissed.

December 05, 2017
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(FATEH DEEP SINGH)
JUDGE

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