

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

CRM M-21212 of 2020 (O&M)

Date of Decision: August 13, 2020

Mandeep @ Bhalla

.....Petitioner

Versus

State of Haryana

.... Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present : Mr. A.P.S. Deol, Sr. Advocate with
Mr. H.S. Deol, Advocate
for the petitioner.

Mr. Baljinder Virk, DAG, Haryana.

FATEH DEEP SINGH, J. (Oral)

The matter has been taken up through video-conferencing on account of outbreak of pandemic COVID-19.

Petitioner Mandeep @ Bhalla has come in this first regular bail application moved under Section 439 Cr.P.C., in FIR No. 135 dated 14.05.2019 under Section 302 IPC registered at Police Station Kosli, District Rewari.

The present case has been got registered on the

statement of Mewa Devi matrimonial grand mother of deceased Sandeep @ Thani. As the story goes, on 14.04.2019, an information was received in the police control room given by Smt. Manju that dead body of her sister Kamlesh's son namely Sandeep @ Thani was lying in the house which appears to be an unnatural death. Thereafter, written complaint was made by the complainant alleging that she suspected accused/petitioner Mandeep @ Bhalla alongwith co-accused Pardeep, Vikash and Krishan were involved in this murder which took place on 14.05.2019. In her supplementary statement got recorded on 14.05.2019, wherein, she stated that when Sandeep @ Thani was confined in jail at Rajasthan, the five daughters of the complainant, collected the money to be paid to the lawyer which they had engaged for which Nirmala wife of Rohtash had borrowed Rs.5,000/- from accused Vikash and thereafter Sandeep @ Thani was released from jail and who refused to pay back the money to Vikash and thus suspected the role of Vikash and his brother in putting the deceased to death. The allegations hover around both Krishan and Rohtash that they gave beatings on 03.05.2019 over this money dispute to the deceased and who died as a consequence of the same. On arrest of the accused/petitioner, on his disclosure statement a bamboo stick was got recovered from accused and one of the eye witness, namely, Sandeep of this last seen together whose statement was also recorded on 13.06.2019.

Mr. A.P.S. Deol, Senior Advocate assisted by Mr. H.S. Deol has argued that petitioner is in custody for more than one year and there is neither any direct evidence against him and the FIR is merely based on suspicion. Counsel for the petitioner has argued that co-accused Pardeep, Vikash and Krishan have been found innocent and nullifies the case of the prosecution qua the petitioner as well. It is further contended that PW Sandeep has resiled from earlier statement made under Section 161 Cr.P.C. while recording his statement under Section 164 Cr.P.C. Submitting that the trial is not likely to be concluded in near future in spite of the fact that the charges stand framed way back in November 2019, he prayed for grant of bail.

Mr. Baljinder Virk, DAG, Haryana learned State counsel has strongly opposed the bail on the grounds of heinousness of the offence and seriousness of the allegations and the fact that being a blind murder the entire case revolves around the circumstantial evidence which clearly points out towards the ante-mortem injury caused to the deceased by blunt means and which corresponds with the bamboo stick got recovered from the petitioner.

Going through the submissions, the postmortem report placed on the record shows unnatural death on account of multiple injuries on the head, buttock, back of right hand,

chest, neck and other parts which clearly as per the opinion of the doctor corresponds with the alleged recovered weapon. The apprehension of the State if allowed bail, there is every likelihood that the petitioner will influence the witness is not unfounded.

In view of the seriousness of the offence and the apprehension of the State, the present petition stands dismissed.

August 13, 2020
amit rana

(FATEH DEEP SINGH)
JUDGE

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