

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

205 - CRM-M-25495-2020 (O&M)

Date of Decision: 08.09.2020

Mandeep

... Petitioner

VS.

State of Haryana

... Respondent

CORAM: HON'BLE MR.JUSTICE GIRISH AGNIHOTRI

Present: Mr. RA Sheoran, Advocate for the petitioner

Mr. Rajiv Goel, DAG Haryana

GIRISH AGNIHOTRI, J. (Oral)

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

The petitioner Mandeep who is stated to be aged 26 years has filed the present petition *inter alia* with a prayer for grant of regular bail. He has been allegedly involved in case FIR No.46 dated 01.02.2019 under Sections 302/201/34 IPC registered at PS Tosham, District Bhiwani.

Learned counsel based upon the pleadings submits that on 30.12.2018 (as per the allegations made in the FIR dated 01.02.2019), the husband (Ram Mehar) of the complainant (Naveen Devi) had left the house and had gone missing since then. On 01.02.2019, when Naveen Devi was not able to find him, she filed a complaint and eventually an FIR was lodged. However, on 17.02.2019, the sister of the deceased gave a statement that her son i.e. the present petitioner and Naveen Devi had killed the deceased. Thereafter on 19.02.2019, the petitioner was arrested. On 20.02.2019, the dead body of the deceased was recovered. Learned counsel further submits that as per her statement (P2), Sumitra - mother of the petitioner has not supported the case of the prosecution. She submits that

after the lodging of the missing report of her brother, later on they came to know that her brother has been killed by some unknown persons. She further deposed that the accused present in Court today are not responsible for his death in any manner. Learned counsel further refers to the statement (P3) of Messar Devi (mother of the deceased) to submit that she has also not supported the prosecution as she has stated that she cannot say by whom the deceased was murdered as there were many enemies. She further deposed that Naveen Devi and the present petitioner, present in Court, are not responsible for the murder of her son Ram Mehar. Learned counsel submits that co-accused has already been granted regular bail and as such relies upon the order dated 07.08.2020 passed by this Court in **CRM-M-19798-2020 (Naveen Devi vs. State of Haryana)** (P5).

Notice of motion.

On the asking, Mr. Rajiv Goel, DAG Haryana accepts notice, through video conferencing.

Learned State counsel, on instructions from ASI Om Parkash, submits that there are 31 witnesses out of which 5 have been examined till date. He opposes the bail application, however, has not been able to deny the factual position.

Faced with this, learned counsel submits that he has instructions from the petitioner that in order to show his *bona fides*, he is ready to deposit Rs.3 lakhs each in the shape of two FDRs in the name of minor children of the deceased (maternal uncle of the petitioner). He then submits that due to COVID situation retention of the petitioner in jail is dangerous to his life and otherwise also the trial is likely to take some time.

In view of the peculiar facts as noticed above, considering the existing situation due to COVID-19 and the fact that trial is likely to take some time, this Court deems it appropriate to direct the release of the petitioner on regular bail subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the Duty Magistrate/trial court concerned.

In view of the peculiar circumstances as noticed above, in addition to bail bonds/additional surety, which the trial court may further require the petitioner to furnish as it deems appropriate, in pursuance to the offer made by counsel for the petitioner, the petitioner would deposit two FDRs made of Rs.3 lakhs each in the name of the two minor children from the Post Office and give an undertaking that the said FDRs shall not be encashed by anyone except the same can be used for the benefit of the minor children. The said FDRs shall be deposited within two month from the date of release of the petitioner before the Duty Magistrate/trial Court which shall await further orders of this Court. The above said amount shall be without prejudice to the defence of the petitioner before the trial Court.

However, it is made clear that anything observed herein shall not be construed to be an expression on merits of the case.

Disposed of.

08.09.2020

vishal shonkar

**(Girish Agnihotri)
Judge**

1. *Whether speaking/reasoned?*
2. *Whether reportable?*

Yes/No
Yes/No