

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

(Sr. No.222)

CRM-M No. 32794 of 2020

Date of decision : 25.02.2021

Mandeep @ Chota

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present : Mr. S. S. Duhan, Advocate for the petitioner.

Mr. Ashok Kumar Sehrawat, DAG, Haryana.

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DEEPAK SIBAL, J. (Oral)

The matter has been taken up through video conferencing.

The present petition has been filed under Section 439 Cr.P.C.
for the grant of regular bail in FIR No. 770 dated 24.09.2014 under
Sections 346, 302, 201, 34 IPC registered at Police Station City Jind,
district Jind.

The petitioner is being prosecuted for the murder of Vikas.

Learned counsel for the petitioner contends that the petitioner
has been falsely implicated in the case; the alleged murder took place in the
year 2014; after initial investigation done in the year 2015 the police had
filed an untraced report; on fresh investigation ordered by the trial Court the
petitioner is sought to be prosecuted only on the basis of an alleged
disclosure statement of co-accused Pawan alias Popan made by him in
police custody, which is inadmissible in evidence under Section 25 of the

Indian Evidence Act, 1872 (for short - “the Act”); the only other evidence against the petitioner is his own disclosure statement in police custody which is also inadmissible under Section 26 of the Act; there is no other evidence to link the petitioner with the alleged crime; even if the case of the prosecution is taken as gospel truth, though vehemently denied, the same shows that only Pawan and Dr. Vikas had the reason to commit the murder as the deceased had spoken ill of co-accused Pawan's sister/co-accused Dr. Vikas's wife; report under Section 173 Cr.P.C. has already been filed and therefore the petitioner is not in a position to influence the investigation; the petitioner is in custody since 26.02.2020 and that the petitioner's trial, which is yet to commence, will take a long time to conclude.

Learned State counsel opposes the grant of bail to the petitioner on the ground that he has murdered Vikas; if he is released on bail he may influence prosecution witnesses and that he may also indulge in similar offences.

The petitioner is in custody since 26.02.2020; the deceased was allegedly murdered in the year 2014; in the year 2015 the police had filed an untraced report; after fresh investigation the only evidence against the petitioner is the alleged disclosure statement of a co-accused made by him in police custody as also the petitioner's alleged confession also made by him in police custody; report under Section 173 Cr.P.C. has already been filed and therefore the petitioner is not in a position to influence the investigation and the petitioner's trial which is yet to commence is likely to take a long time to conclude especially in the present circumstances when the world is facing the COVID-19 pandemic.

In view of the above, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Jind, who shall insist on at least two heavy local sureties, the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

25.02.2021*sunil yadav***(DEEPAK SIBAL)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No