

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

CRM-M-12346-2021 (O&M)
Date of decision: 07.01.2022

Mandeep @ Bhalla

.....Petitioner

versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Himmat Singh Deol, Advocate
for the petitioner.

Mr. Gaurav Jindal, Addl.A.G., Haryana
for the respondent-State.

FATEH DEEP SINGH, J. (ORAL)

Due to outbreak of pandemic COVID-19, the instant
case is being taken up for hearing through video conferencing.

The records of the learned Trial Court in original have
been received.

Let arguments be heard on the main petition.

Heard learned counsel of both the sides and perused the
records.

The allegations against the petitioner/accused-Mandeep @ Bhalla in this second regular bail application under Section 439 Cr.P.C. (first one having been declined by this Court vide order dated 13.08.2020) filed in a case bearing FIR No.135 dated 14.05.2019 under Section 302 of the Indian Penal Code registered at Police Station Kosli, District Rewari, can be summarized as follows:-

On the basis of an information made on 14.04.2019 by Smt. Manju, dead body of deceased-Sandeep @ Thani was found at his house which apparently bore injuries. The complainant on the suspicion that the deceased was murdered by accused/petitioner-Mandeep @ Bhalla in connivance with his co-accused-Pradeep, Vikash and Krishan, the present case was got registered against the petitioner, in which the petitioner is in custody since 24.08.2019. The contentions of learned counsel for the petitioner, Mr. Himmat Singh Deol, Advocate is that the petitioner is behind the bars for more than 2 ½ years and that the trial is yet to be accomplished and that in view of the spread of present pandemic, there is every likelihood that the trial would be much delayed and, thus, sought bail.

The learned State counsel has opposed the bail on the grounds that principal witness i.e. the complainant and even earlier

two witnesses have resiled and if allowed bail, the accused would influence the trial.

Appreciating the submissions, apparently the case is based on circumstantial evidence. This Court refrains itself from further commenting on the evidence gathered during the investigations and in view of the fact that the case is more on suspicion than any ocular evidence in which main witnesses have resiled and in view of the period of incarceration and the raging pandemic of COVID-19 and in order to decongest the jails as omicron virus is spreading its tentacles, this Court deems it expedient to allow the present petition as the trial is not likely to be concluded in the near future. Any observations made herein shall not effect the merits of the present case.

Accordingly, the petitioner is ordered to be released on regular bail subject to his furnishing of heavy bail bonds in the sum of Rs.1 lakh with two local sureties in the like amount each to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate.

The petition stands disposed off accordingly.

(FATEH DEEP SINGH)
JUDGE

07.01.2022

Neha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No