

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

(Sr. No. 246)

**CRM-M No. 16343 of 2021
Date of decision : 01.04.2022**

Mandeep Singh

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present : Mr. Atul Lakhanpal, Senior Advocate with
Mr. Arvindpal Singh, Advocate and
Mr. Amit Chaudhary, Advocate for the petitioner.
Ms. Sheenu Sura, DAG, Haryana.

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DEEPAK SIBAL, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.192 dated 28.05.2019 registered under Sections 302 and 201 IPC at Police Station, Fatehabad.

The petitioner is being prosecuted for having committed murder of Rajesh and then throwing his dead body in a canal.

Learned senior counsel appearing for the petitioner submits that the petitioner has been falsely implicated in this case; the petitioner has no other criminal case pending against him; the petitioner is in custody since 31.05.2019; the case of the prosecution that Sandeep had last seen the petitioner with the deceased is not only false but is now impossible to prove as Sandeep is dead; the other evidence that the prosecution has against the petitioner is his own disclosure statement allegedly made by him in police custody which is inadmissible in evidence; the petitioner having got recovered a blood stained brick is also of no evidentiary value to the

prosecution as the blood allegedly found on the brick is stated to be of group 'A' without any further classification as to whether the blood group is 'A+' or 'A-'; in any case such finding by the FSL is too general; all the material prosecution witnesses have been examined and that since 12 prosecution witnesses still remain to be examined in the petitioner's trial the same will take a long time to conclude.

Learned State counsel opposes the grant of bail to the petitioner on the ground that the petitioner has murdered Rajesh and if released on bail, he may influence the trial.

After considering the afore rival submissions and in particular that the petitioner is in custody for the last over two and a half years; all the material prosecution witnesses stand examined; the petitioner has no other criminal antecedents and that since 12 prosecution witnesses still remain to be examined in the petitioner's trial the same is likely to take a long time to conclude, this Court is of the considered opinion that the present case is 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, Fatehabad 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.

01.04.2022*sunil yadav***(DEEPAK SIBAL)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No