

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

Neutral Citation No. 2023:PHHC:117253
CRM-M-19497-2023
Reserved on: August 31, 2023
Date of Decision: September 05, 2023

Mukesh Yadav

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. M.S. Saini, Advocate for the petitioner.

Mr. R.S. Khaira, DAG, Punjab.

DEEPAK GUPTA, J.

By way of this petition filed under Section 439 Cr.P.C., petitioner prays for grant of regular bail in case FIR No.147 dated 15.09.2022, under Sections 302 / 34 of IPC (Section 201 added later on), registered at Police Station Sadar Nakodar, District Jalandhar.

2. FIR was lodged on the complaint of Nachhatar Singh, as per which his son Manpreet Singh went missing on 06.09.2022. He kept on searching for his son and ultimately lodged a missing report with the police on 09.09.2022. The dead body of Manpreet Singh was found on 15.09.2022 in decomposed condition. It was identified by the complainant and other family members. It is after finding of dead body that present FIR was lodged, in which it was disclosed by the complainant that he suspected Mukesh Yadav and co-accused Amrik Singh & Ramandeep Kaur to have caused the murder of his son Manpreet Singh. The postmortem report disclosed the cause of death as

due to asphyxia on account of strangulation, which was sufficient to cause of death in normal course of death. Besides, both wrists of hands were chopped off.

3. It was found during investigation that Manpreet Singh (deceased) was earlier working in a Moga Hospital, where he developed relations with Ramandeep Kaur. Mukesh Yadav (petitioner) was also having relations with said Ramandeep Kaur. Manpreet Singh had left the job at Moga and started doing job in Patel Hospital, Jalandhar, where Ramandeep Kaur also joined. However, she continued her relations with the petitioner, to the disliking of Manpreet Singh. On 05.09.2022 as Manpreet Singh came to know that Ramandeep Kaur had met Mukesh Yadav, he started beating her and made petitioner-Mukesh Yadav to hear her hue and cry. Petitioner called the father of Ramandeep Kaur, but he did not pick the call. Later on, petitioner along with Ajit - the uncle of Ramandeep Kaur, Amrik Singh and Ramandeep Kaur hatched the conspiracy and acting upon the same, on 09.09.2022, Ajit, Amrik Singh and petitioner Mukesh Yadav called Manpreet Singh (deceased) and made him to consume liquor and then Amrik Singh and petitioner Mukesh Yadav strangled deceased Manpreet Singh by wrapping a *parna* around his neck; whereas Ajit had caught hold of his legs at that time. In view of postmortem report, murder was found to have been committed in a brutal manner.

4. It is contended by learned counsel for the petitioner that FIR was lodged against unknown persons, after a delay of 09 days from the missing of deceased; that except for the repeated disclosure statements of

the petitioner and co-accused, which are inadmissible in evidence, there is nothing against the petitioner; that petitioner is in custody since 26.09.2022 and trial may take time to conclude and so, in all these circumstances, he be allowed bail.

5. Strongly opposing the bail petition, learned State counsel submits that as per call details record collected during investigation, petitioner has been found to be in constant touch with the co-accused even on the date of occurrence. As per the evidence collected, deceased had given beatings to Ramandeep Kaur and had made the petitioner to hear her hue and cry, and on coming to know of the same, the petitioner and co-accused were infuriated and were threatening the petitioner to kill him. Still further, it is urged that the case is at the initial stage; that charges have been framed, but not even a single witness out of 20 cited witnesses has been examined so far and in case the petitioner is allowed bail, he may influence the witnesses. Learned State counsel also points out the brutal manner, in which the murder of Manpreet Singh was committed and prays for dismissal of the bail petition.

6. I have considered submissions of both the sides and have perused the record carefully.

7. Undisputedly, the case is dependent upon circumstantial evidence. The investigating agency has collected the evidence to reveal the motive behind the murder, inasmuch as deceased had given beatings to co-accused, namely, Ramandeep Kaur on 05.09.2022 and had made the petitioner to hear her hue and cry, so petitioner and co-accused, who are relatives of Ramandeep Kaur, were infuriated and were threatening

the deceased. Call details record of the petitioner and co-accused, besides that of the deceased have been collected during investigation. It will be a matter of evidence as to whether all the links to prove the charges are established or not. The case is at the initial stage, as not even a single witness has been examined so far. Murder of Manpreet Singh has been committed in a brutal manner, as even both his wrists were chopped off, as per the postmortem report.

8. Having regard to the over all circumstances and the brutal manner, in which crime is committed, but without commenting anything further on the merits of the case, this Court is not inclined to grant the benefit of regular bail to the petitioner. As such, present petition is dismissed.

September 05, 2023
sarita

(DEEPAK GUPTA)
JUDGE

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