

2024:PHHC:025063

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-6698-2024 (O&M)
Date of decision : 22.02.2024

Gagandeep Petitioner

versus

State of Haryana Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Lalit Kumar Narang, Advocate
for the petitioner.

Mr. Ashok Kumar Sehrawat, DAG, Haryana.

PANKAJ JAIN, J. (Oral)

1. Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.36 dated 06.02.2022, registered for offence punishable under Section 346 of IPC (Sections 302, 120-B, 34, 201, 203, 204 and 205 of IPC and Section 25 of Arms Act, 1959 added later on) at Police Station Urban Estate, Rohtak, District Rohtak.
2. Status report by way of affidavit of Vivek Kundu, HPS, Deputy Superintendent of Police, Rohtak has been filed on behalf of the respondent-State. The same is taken on record.
3. FIR was got registered on the information supplied by Jyoti wife of deceased Manoj claiming that her husband has gone missing and there was no clue of him after he left home on 04.02.2022 at 09.30 a.m.

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4. As per the case of the prosecution, brother of the deceased alleged suspicion with respect to illicit relationship between Jyoti w/o of the deceased and Vinod. Dead body of the deceased was found on 13.02.2022. Post mortem was conducted. As per the same, cause of death is asphyxia on account of strangulation which was found to be antemortem in nature. Though, the medical opinion with respect to time gap between conducting post mortem and the death has been opined to be 02 to 03 days. Vinod was arrested who is said to have suffered disclosure while in police custody admitting his crime and has named the present petitioner as well as the one Sonu to be his accomplices. As per the said disclosure, Vinod discloses that for an amount of Rs.25,000/- Gagandeep-the petitioner and Sonu killed Manoj and the present petitioner has been further accused by Vinod of having given knife stab on the neck of the deceased.

5. Counsel for the petitioner submits that whole of the story being put forth by the prosecution based upon the alleged disclosure of Vinod false flag in terms of the scientific evidence in view of the opinion formulated by the medical board which conducted post mortem to the effect that the time gap between post mortem and the death is 02 to 03 days. He further submits that the inference that can be drawn is that the murder was committed on 11th or 12th of February, 2022 and the story of the prosecution is totally in the wrong direction. Further submits that apart from the said disclosure made by Vinod, there is no other incriminating evidence against the petitioner. Jyoti already stands admitted to regular bail and there is no motive attributable to the present petitioner, who has clean antecedents and has no other case apart from

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the present one. Petitioner is behind bars since 30.07.2022.

6. Counsel for the State is not in a position to dispute the aforesaid facts.
7. Having heard rival contentions of the parties, without commenting on the merits of the case, keeping in view the incarceration suffered by the petitioner and the nature of evidence against him, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.
8. Needless to say nothing recorded herein shall be construed to be an expression of an opinion on the merits of the case.
9. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(PANKAJ JAIN)
JUDGE

22.02.2024
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No