



217 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-15483-2024(O&M)
Date of Decision: 17.12.2024

Sandeep ...Petitioner
vs.
State of Haryana ...Respondent

Coram : Hon’ble Mr. Justice N.S.Shekhawat

Present : Mr. A.P.S. Deol, Senior Advocate with
Mr. Karan Kalia, Advocate and
Mr. Arun Kumar Goyat, Advocate
for the petitioner.

Mr. Rajinder Kumar Banku, Deputy Advocate General, Haryana.

Mr. Deepak Kumar Jain, Advocate with
Mr. Akshay Jain, Advocate for the complainant.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 439 of the Cr.P.C. with a prayer to grant concession of regular bail to him in case FIR No.282 dated 07.10.2023 registered under Sections 120-B, 201, 302, 328, 34 and 506 IPC at Police Station Nathu Sarai Chopta, District Sirsa.
2. The FIR was initially registered against Rekha Rani, Subhash and Sandeep on the basis of the complaint moved by Amandeep son of Gurdayal Singh. As per the complainant, Pushpa was his sister and Sandeep was his brother. Sandeep and Rekha had performed love marriage in the year 2012 and for the last about 2 years, they were living near the milk plant. In December 2022, Rekha met Subhash son of Dharampal in a marriage and later on, they developed illicit relations. Due to this, Rekha had differences with her husband



Sandeep and she used to extend threats to her husband. In the meantime, Subhash and his friend Sandeep son of Krishan started visiting the house of his brother Sandeep. Subhash and Sandeep son of Krishan also developed good relations with his brother Sandeep (since deceased). About one month prior to the accident of Sandeep (since deceased), he had told the complainant that his wife Rekha had illicit relations with Subhash and Sandeep and they could kill him. On 04.09.2023, the said accused conspired and had wrongly shown that his brother Sandeep met with an accident. Sandeep remained unconscious for 3/4 days and later on, he died due to the injuries suffered by him. On 24.09.2023, the condition of Sandeep deteriorated and Sandeep and Rekha got him hospitalized. At about 11.00 p.m., Rekha, Subhash and Sandeep mixed some substance in the milk and served it to Sandeep. After consuming milk, his brother Sandeep became unconscious and was declared dead in day time on 25.09.2023. Later on, Rekha, Sandeep son of Krishan and Subhash forced the complainant not to get the postmortem of the body conducted and cremation of the dead body was performed. After the death of his brother, Sandeep, Rekha and Shubhash were used to chat on instagram continuously and the complainant picked the phone of accused on suspicion on 02.10.2023 and checked the instagram account and the screen shots were taken by him. In fact, Rekha and Subhash had a conversation with regard to the present occurrence as well. After 12 days of the death of Sandeep, his family members asked Rekha about the matter between her, Sandeep and Subhash and on this Rekha denied her role and demanded her share in the land and plot. Rekha also extended threats to the

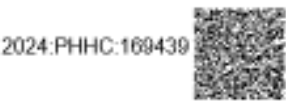


other family members as well. With these broad allegations, the FIR in the present case was got registered by the complainant.

3. Learned Senior counsel for the petitioner contends that in the present case, no post-mortem examination was conducted nor there was any medical evidence with regard to cause of death of Sandeep in the present case. Learned Senior counsel has further referred to orders (Annexures P-4 and P-5, respectively), whereby almost similarly placed co-accused, namely, Bhagwan Ram @ Sethi and Ravinder Kumar have been granted the concession of bail by this Court. The petitioner was arrested in the present case on 12.10.2023 and is in custody for the last more than 01 year and 02 months. Challan has already been presented against the petitioner and the trial is not likely to conclude in near future. Moreover, this Court has also directed the State to place on record the FSL report with regard to the CCTV footage. However, even after repeated adjournments, the State could not file the FSL report and the prosecution has been unreasonably delayed in the present case.

4. On the other hand, learned State counsel assisted by learned counsel for the complainant have vehemently opposed the submissions made by learned Senior counsel for the petitioner on the ground that from the record, it was apparent that all the accused were in touch with each other and they had caused murder of Sandeep. Thus, keeping in view the gravity of the offence, the petitioner is not entitled to the relief of bail in the present case.

5. I have heard the learned counsel for the parties and perused the record.



6. From the record, it is apparent that vide orders Annexures P-4 and P-5, co-accused, namely, Bhagwan Ram @ Sethi and Ravinder Kumar have already been admitted to bail by this Court by making detailed observations. In the present case, no post-mortem examination was conducted and the medical evidence is missing in this regard. Consequently, the prosecution is yet to lead evidence before the trial Court with regard to cause of death in the present case. The petitioner is stated to be in custody for the last more than 01 year and 02 months and the trial is not likely to conclude in near future.
7. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.
8. Pending application stands also disposed of.

17.12.2024.
hemlata

(N.S.SHEKHAWAT)
JUDGE

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