



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

216

CRM-M-27794-2023 (O&M)

Date of decision: 19.09.2024

Mandeep

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Aakash Juneja, Advocate
for the petitioner.

Ms. Trishanjali Sharma, DAG, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.347 dated 09.08.2020 under Sections 302, 201 of the IPC (Sections 392, 397, 34 of the IPC added lateron) registered at Police Station Meham, Rohtak.

2. Learned counsel for the petitioner submits that the petitioner has been in custody for more than 04 years having been arrested on 09.09.2020, in a case resting on circumstantial evidence and no clear cut motive is forthcoming in the case of the prosecution qua the petitioner to commit the crime in question. Learned counsel has argued that other than an extra judicial confession allegedly suffered by the petitioner before the brother in law of the deceased namely Satya Narain, there was no evidence, much less cogent, to link him with the murder of Sanjay (hereinafter referred to as 'deceased'). It has been further submitted by the learned counsel that it is not even the case of



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the prosecution that the deceased and the accused including the petitioner were well acquainted with each other and hence, in the circumstances, once both the deceased as well as the accused including the petitioner were strangers to each other, there was no occasion for the petitioner to have gone and suffered an extra judicial confession, that too before a relative of the deceased, who too was stranger to them. Learned counsel has further argued that there was no witness of last seen which further creates a huge dent in the case of the prosecution. Learned counsel has still further submitted that since the sole material witness in the present case i.e. PW4 Satya Narain (witness of extra judicial confession) already stands examined and 15 prosecution witnesses still remain to be examined, his further incarceration, in the circumstances, would serve no useful purpose moreso when the petitioner has no previous criminal antecedents.

3. Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions, has submitted that although there was no witness of last seen in the present case, however, all the accused including the petitioner, went to PW4 Satya Narain, who is a close relative of the deceased and confessed to their involvement in the murder of the deceased; it was PW4 Satya Narain, who produced the accused including the petitioner before the police, who then arrested the petitioner on 09.09.2020. Learned State counsel has further submitted that the deceased while going on his motorcycle, chanced upon the accused, including the petitioner, who were standing by the roadside



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and sought directions to Jhajjar; all the accused, including the petitioner, waylaid the deceased, inflicted fatal injuries on him, snatched Rs.10,500/- from him before dumping his body in the bushes; the dead body was subsequently recovered pursuant to a disclosure statement made by them. It has also been submitted by the learned State counsel that the scooter on which the dead body of the deceased was taken for being dumped into the bushes, was recovered from none other than the petitioner.

4. On a pointed query put to the learned State counsel as to whether the petitioner and the deceased were acquainted with each other or if the witness of extra judicial confession PW4 Satya Narain was acquainted with any of the accused, including the petitioner, she has submitted that no such material had come to the fore. Learned State counsel on further instructions has not disputed the stage of the trial and the custody period of the petitioner.

5. On a pointed query put to the learned State counsel as to whether there was any other material witness, other than the witness of extra judicial confession, she has categorically replied in the negative and submitted that all the material witnesses in the present case stand examined.

6. I have heard learned counsel for the parties and perused the material placed on record.

7. The FIR in question annexed as Annexure P-1 was registered against unknown persons, who allegedly after inflicting injuries on the person of the deceased, dumped his body in the nearby



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bushes. As not disputed by the learned State counsel, no suspicion was raised qua the involvement of the petitioner in the crime in question. The instant case hinges on circumstantial evidence and the only evidence collected by the investigating agency is the extra judicial confession allegedly made by the petitioner before PW4 Satya Narain, who has since been examined before the learned Trial Court. The trial is unlikely to conclude in the near future as 15 prosecution witnesses still remain to be examined. The petitioner is not stated to be involved in any other case. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

8. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

9. Since the petitioner has been granted regular bail, application for interim bail (**CRM-1903-2024**) has been rendered infructuous and is dismissed as such.

19.09.2024

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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