



CRM-M-26716-2024

-1-

(219)
IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-26716-2024
Date of Decision: 13.08.2024

SANDEEP

... Petitioner

Versus

STATE OF HARYANA

...Respondent

CRM-M-27018-2024

AZAD

... Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Randeep Singh, Advocate with
Mr. Virat Rana, Advocate
for the petitioner in CRM-M-26716-2024.

Mr. Namit Khurana, Advocate
for the petitioner in CRM-M-27018-2024.

Mr. Parveen Aggarwal, DAG, Haryana.

JASJIT SINGH BEDI, J.

This order shall dispose of two petitions bearing No.CRM-M-26716-2024 titled as Sandeep versus State of Haryana and CRM-M-27018-2024 titled as Azad Versus State of Haryana as the same are arising out of the same FIR. However, for the sake of convenience the facts have been taken from CRM-M-26716-2024.



CRM-M-26716-2024

-2-

2. The prayer in the present petitions under Section 439 Cr.P.C. is for the grant of regular bail in case bearing FIR No.209 dated 01.06.2023 registered under Sections 302, 201, 120-B IPC, 1860 (Section 346 IPC deleted) at Police Station Madhuban, District Karnal.

3. The present FIR came to be registered at the instance of Sant Lal son of Nebraj and the same reads as under:-

“Copy of application- To the chowki incharge Manglore chowki Karnal Sir, the request is that I, Santlal Son of Nebraj, resident of Amritpur Kala, Police Station Madhuban district Karnal, My son of Naresh son of Santlal, who has gone from home yesterday at 3'o clock in the afternoon, whose age 26 years, complexion wheatish, height 5 feet 5 inches, wearing a green shirt and black pyjama, who keeps beard, who has not yet returned home, so that I request you to please help me in finding him SD LTI Santlal applicant Santlal son of Nebraj mobile number 9050347689, mobile number of Naresh 9729292693.”

4. Initially, the FIR had been registered on 01.06.2023 under Section 346 IPC. On 06.06.2023, during investigation the complainant expressed suspicion on Sandeep (petitioner in CRM-M-26716-2024) son of Yashpal, Dharampal, Kuldeep son of Dharampal and Azad (petitioner in CRM-M-27018-2024) son of Darshan Lal regarding the missing of Naresh Kumar.

On 12.06.2023, an SIT was constituted and on 14.06.2023 during investigation one Devender Rana husband of the Sarpanch produced all the four named accused including the petitioners stating that the said

**CRM-M-26716-2024****-3-**

accused had made an extra-judicial confession to him regarding having committed the murder of the deceased by throwing him into the WJC Canal.

During the course of investigation CCTV footage was obtained and it was found that on 01.05.2023 a motorcycle bearing No.HR91B-7319 Bajaj Platina was seen on which accused Sandeep was sitting in the front and driving the motorcycle while accused Madan was sitting in the middle of the motorcycle and the deceased Naresh Kumar was sitting behind on a motorcycle.

After the body of the deceased was recovered, DNA sampling was done and the same was not conclusive regarding the identity of the dead body.

5. The learned counsels for the petitioners contend that other than the extra-judicial confession purportedly made by the accused before Devender Rana, there was no admissible evidence inculcating the accused. An extra-judicial confession by its very inherent character was a weak piece of evidence and no reliance could be placed on the same. There was a doubt of the identity of the body recovered from the water as that being of the deceased. There was no motive for the accused to have committed the offence in question. As regards the accused Sandeep (petitioner in CRM-M-26716-2024), it is contended that the purported last seen of the deceased in the company of Sandeep and Madan was not sufficient to establish the culpability of the petitioner-Sandeep inasmuch as the body had been recovered many days after the last seen evidence of 01.05.2023. As they were

**CRM-M-26716-2024****-4-**

in custody since 14.06.2023 but only 02 of the 27 prosecution witnesses had been examined so far, the Trial of the present case was not likely to be concluded anytime soon and therefore, they were entitled to the concession of bail.

6. Status reports dated 07.08.2024 by way of an affidavit of Manoj Kumar, HPS, Dy. Superintendent of Police, Gharaunda has been filed in both the connected petitions on behalf of the State by the learned counsel for the State. The same is taken on record. While referring to the said status reports, he contends that the petitioners had made an extra-judicial confession before Devender Rana, the husband of the Sarpanch wherein they admitted that they had committed the offence in question. In addition, Sandeep and Madan were lastly seen in the company of the deceased. Therefore, there was sufficient evidence which did not entitle them to the grant of bail. He, however, concedes that the petitioners were in custody since 14.06.2023 and that only 02 of the 27 prosecution witnesses had been examined so far.

7. I have heard the learned counsel for the petitioners.

8. The veracity of the prosecution case against the petitioners and their co-accused shall be adjudicated upon during the course of the Trial. Admittedly, the petitioners are in custody since 14.06.2023 but only 02 of the 27 prosecution witnesses have been examined so far. Therefore, the Trial of



CRM-M-26716-2024

-5-

the present case is not likely to be concluded anytime soon. In this situation the further incarceration of the petitioners is not required.

9. Thus without commenting on the merits of the case, the present petitions are allowed and the petitioners are ordered to be released on bail on their furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

10. The petitioners shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing each time that they are not involved in any other crime other than the present case.

11. If the petitioners or their family members/associates make any attempt to contact/threaten/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted vide this order.

12. The petitions stand disposed of.

(JASJIT SINGH BEDI)
JUDGE

13.08.2024

JITESH

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