



In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-63704 of 2025

Date of Decision: 06.03.2026

Mandeep Singh alias Raman

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: Hon'ble Mr. Justice Surya Partap Singh.

Present: Mr. Amarjeet Singh Prajapati, Advocate
for the petitioner(s).

Mr. Eklavya Darshi, Deputy Advocate General,
Punjab, for the respondent.

Surya Partap Singh, J.

1. This petition for bail is the first petition filed by the petitioner under Section 483 of 'the Bharatiya Nagarik Suraksha Sanhita, 2023'. It has been filed with regard to a case arising out of FIR No. 63 dated 26.06.2024 for the commission of offence punishable under Section(s) 302 of 'the Indian Penal Code, 1860' Police Station Dhariwal, District Gurdaspur, Punjab.

2. Briefly stating the facts emerging from the fact are that the FIR of this case came into being at the instance of 'Nishan Singh', hereinafter being referred to as "complainant" only. It was stated by the complainant that on 24.06.2024 at about 05.00 P.M. his son, namely 'Gurpreet Singh' had visited a saloon for a hair-cut, and that he, too, was present in the same saloon. As per complainant, in his presence 'Mandeep Singh alias Raman'

(petitioner herein) took his son on motorcycle and thereafter, his son 'Gurpreet Singh' never returned home. The complainant further stated that he had searched for his son and during the search, he came to know that the dead body of his son was lying in Khunda Colony. While raising a finger of suspicion towards 'Mandeep Singh alias Raman' the above named complainant had sought for the action against him.

3. It is the case of prosecution that pursuant to the above-mentioned statement, formal FIR of this case was lodged and the investigation taken up.

4. It is the further case of prosecution that during the course of investigation, the petitioner was arrested. According to prosecution the petitioner had suffered an extrajudicial confession, before 'Harnam Singh', wherein he confessed that he was responsible for the murder of 'Gurpreet Singh'. According to prosecution, in addition to above, before the police, too, the petitioner suffered a disclosure statement.

5. Heard.

6. The record has been perused carefully.

7. A careful perusal of record shows that in the present case, following are the relevant factors which are necessary to be taken into consideration for a decision:-

- i) that the petitioner is already in custody for a period of more than one year & eight months;
- ii) that the petitioner has no criminal antecedents;
- iii) that in the FIR no motive has been attributed to the petitioner with regard to the commission of offence.

With this regard to above, the Hon'ble Supreme Court of India in the case of "Kanahiya Lal v. State of Rajasthan" (2014) 4 SCC 715 has observed that if motive is not proved the accused cannot be convicted on singular piece of evidence, that the deceased was last seen with the accused;

- iv) that the theory set-out by the prosecution with regard to extrajudicial confession suffered by the petitioner before 'Harnam Singh' (already examined as PW.2) does not find support from his testimony as the PW.2. The PW.2 has not supported the prosecution case with regard to extrajudicial confession suffered by the petitioner;
- v) that there is no eye witness account in the present case and the case is based on circumstantial evidence. Even the weapon of offence is not attributed to the petitioner, as the prosecution has set-out the case that head of deceased was struck against the wall by the petitioner;
- vi) that the statements of material witnesses have already been recorded, during the course of trial;
- vii) that the trial of the case is not likely to be concluded in near future;
- viii) that nothing has been left to be recovered from the possession of the petitioner;
- ix) that further detention of the petitioner is not likely to produce a fruitful result;

- x) that there is nothing on record to show that while on bail, the petitioner is likely to tamper with the evidence or influence the witnesses; and
- xi) that there is nothing on record to show that while on bail, the petitioner will not participate/cooperate in the investigation.

8. In the case of “Manoj alias Munna v. The State of Chhatisgarh” 2025 INSC 1466 the Hon’ble Supreme Court of India has observed that conviction on the last seen story cannot be the sole basis of conviction unless the prosecution establishes a complete chain of evidence that excludes every hypothesis except the guilt of the accused.

9. With regard to present case, the principles laid down by the Hon’ble Supreme Court of India in the case of “Bodh Raj alias Bodha and Others v. State of J. and K” (2002) 8 SCC 45, wherein it has been observed that the last seen theory comes into being where the time gap between the point of time when the accused and deceased were seen together and when the deceased is found dead is so small that possibility of any other person other than the accused being the author of crime becomes impossible.

10. If the facts and circumstances of the present case are analyzed in the light of above-mentioned principles of law, it transpires that at this stage, the petitioner is entitled for the benefit of bail, and that the present petition deserves to be allowed.

11. Accordingly, without commenting anything on the merits of the case, the present petition is hereby **allowed**. The petitioner is hereby ordered to be released on bail on furnishing personal bond and surety bond(s) to the

satisfaction of learned trial Court. However, the above said concession shall be subject to following conditions:-

- a) that the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority;
- b) that the petitioner shall at the time of execution of bond, furnish the address to the Court concerned and shall notify the change in address to the trial Court, till the conclusion of trial; and
- c) that the petitioner shall not leave India without prior permission of the trial Court.

(Surya Partap Singh)
Judge

March 06, 2026
“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No