

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M No. 12560 of 2018 (O&M)

Date of decision : 9.5.2018

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Pardeep

.....Petitioner

vs.

State of Haryana

.....Respondent

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. Manoj Sharma, Advocate
for the petitioner.

Mr. Neeraj Poswal, Assistant Advocate General,
Haryana.

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H. S. Madaan, J.

This petition for regular bail has been filed by petitioner Pardeep, an accused in FIR No. 104 dated 1.3.2018 for an offence under Section 435 IPC, registered at Police Station Sadar, Sonapat.

Briefly stated, facts of the case as per the prosecution story are that FIR in this case was lodged by the complainant Meer Hasan s/o Yasin r/o Harsana Kalan, Sonapat, by making a statement to the Police of Police Station Sadar, Sonapat, on 1.3.2018. Inter alia in the statement, he stated that he has a mushroom farm in the fields of Azad s/o Jagte Singh; that on 28.02/1.3.2018, there was a fire in the

mushroom farm, as a result of which the entire mushroom crop got burnt, even his household articles etc. were destroyed in the fire; that the fire had been started by Pardeep @ Mintu s/o Chandroop, of Jat community, who had come to him on the fateful day at about 10.00 P.M., threatening that mushroom farm of the complainant would be burnt totally on that date; that thereafter he had gone away. According to the complainant, he came to know that Pardeep had set his mushroom farm on fire and thereafter escaped under the cover of darkness. Though the fire was doused, but the complainant had suffered a substantial loss.

After registration of the formal FIR the matter was investigated. The accused was arrested in this case. He had moved an application for regular bail to the Court of Sessions, which was dismissed by Additional Sessions Judge, Sonapat, vide order dated 16.3.2018, as such the petitioner has approached this Court craving for grant of similar relief, which is being opposed by the State counsel.

I have heard learned counsel for the petitioner, learned State counsel, besides going through the record.

Learned counsel for the petitioner has contended that the petitioner has been wrongly involved in this case by the complainant who had borrowed a sum of Rs.50,000/- from him, which he did not return and when accused asked him to pay the amount then he got him involved in this case; that there is no eye-witness of the incident; that no recovery is to be effected from the petitioner; that he is in custody since 5.3.2018. Therefore, regular bail be granted to him.

Whereas, learned State counsel has opposed the request stating that the challan has been filed against the petitioner and next date of hearing is 15.5.2018.

After hearing hearing the rival contentions of both the sides, I find that admittedly, the complainant had not seen the petitioner setting his mushroom crop on fire and the FIR has been lodged on the basis of suspicion. After filing of challan the trial is yet to began. Its conclusion is likely to take considerable time. The guilt of the accused shall be determined during the trial.

Considering all the facts and circumstances of the case, I find that it would be in the fitness of the things if the petition is accepted and the petitioner is ordered to be released on bail, though to avoid any mischief, certain terms and conditions can be imposed. Therefore, the petition is accepted and the petitioner is ordered to be released on bail subject to furnishing of surety bonds and personal bonds to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Sonapat, subject to the following conditions:-

- i) that the petitioner shall appear in the Court on each and every date of hearing;
- ii) 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 from disclosing such facts to the Court or to any police officer; and
- iii) that the petitioner shall not leave India without the prior permission of the Court and shall surrender his passport, if

he has got one, otherwise to furnish affidavit in that regard.

In addition to this the trial Court may impose any term and condition found suitable to ensure that the petitioner does not abscond and interfere in the trial. In case the petitioner violates any term and condition on which the bail has been granted to him, this order shall be liable to be withdrawn.

9.5.2018
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(H.S. Madaan)
Judge

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