

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-42271-2018

Date of decision: 21.08.2019

Pardeep @ Bablu

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Sajjan Singh, Advocate
for the petitioner.

Mr. Himmat Singh, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.608 dated 26.09.2017 under Sections 120-B, 148, 149, 302, 212 IPC and Section 25 of Arms Act, registered at Police Station City Bahadurgarh, District Jhajjar.

On 01.10.2018, while granting interim bail to the petitioner, following order was passed: -

“Learned counsel for the petitioner submits that the allegations against the petitioner, on the basis of the disclosure statement of main accused Sunil @ Lala, are that he was providing financial help to his family being his first cousin.

Learned counsel for the further submits that the petitioner was arrested on 28.04.2018 in an FIR in Delhi and later on he was

brought on remand in the present case on 01.06.2018 and since then he is in judicial custody.

Learned counsel for the petitioner further submits that co-accused Rajender has already been granted concession of regular bail, vide order dated 01.11.2017 passed in CRM-M-40232-2017 and two other co-accused, namely Anil Lila @ Ganja and Rahul Rathi, have also been granted regular bail by the trial Court.

Learned counsel for the petitioner has relied upon statements of the complainant and his mother, namely Ankit Joon and Kamlesh respectively, who have appeared as PW-1 and PW-2 in the trial being faced by Rahul Rathi, Parveen, Anil Lila @ Ganja and Rajwanti, wherein complainant PW-1 Ankit Joon has specifically stated that he knew the petitioner Pardeep @ Bablu and he had no role in the murder of his brother Monu Joon. Similar is the statement of PW-2 Kamlesh, mother of deceased Monu Joon.

However, a perusal of the cross-examination of PW-2 shows that the Additional Sessions Judge has recorded that she has stated that the petitioner and some other persons have no role in the murder of 'her brother' instead of mentioning it as 'her son'. This shows that the Additional Sessions Judge has adopted a very casual approach while recording the statement of the witness, in a Sessions trial where accused persons are facing charge under Section 302 IPC.”

Reply by way of affidavit of Assistant Superintendent of Police,

Badli, Jhajjar is on record. As per this reply, eye-witness Ankit Joon appeared as PW1 and his mother Smt. Kamlesh appeared as PW2, and they have stated that some persons have fired bullet shots on Monu Joon, brother of PW1 and son of PW2. It is further stated in the reply that they did not name any of the accused person in their complaint. Both these witnesses were declared hostile and were cross-examined by the Public Prosecutor, however, they have not named the petitioner as one of the accused.

Learned State counsel, on instructions from SI Shiv Kumar and on the basis of affidavit of ASP, Badli, Jhajjar, has not disputed the factual position.

In view of the above, this petition is disposed of and the order dated 01.10.2018 passed by this Court, granting interim bail to the petitioner, is hereby made absolute.

[ARVIND SINGH SANGWAN]
JUDGE

21.08.2019
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No