

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-11040-2020 (O&M)

Date of decision: **9.9.2020**

RAJESH

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. Madan Pal, Advocate
for the petitioner.

Mr. Karan Sharma, AAG, Haryana.

(Proceedings conducted through video conferencing).

GURVINDER SINGH GILL, J. (ORAL)

1. The petitioner seeks grant of regular bail in a case registered against him vide FIR No.116 dated 22.5.2019 under Sections 436, 302/34, 120-B, 216 IPC at Police Station Sadar Narnaul, District Mahendergarh.
2. The FIR was registered at the instance of the deceased himself namely Om Parkash who alleged that he was working on a liquor vend as a salesman and that on 21.5.2019 after closing the liquor vend he went inside the liquor vend to sleep and that at about 1:00 a.m., he suddenly saw light of a motorcycle towards the front gate of liquor vend and when he went to check out the same he saw that there were two motorcycles parked near the gate of liquor vend and he identified 3 of the persons standing therein namely Lala, Sumer, Subhash while he could not

identify another two persons who were standing there. It is alleged that Lala was carrying plastic bucket containing petrol who splashed the same on the complainant as well as on the liquor vend and that Sumer lit fire with the help of a match-stick as a result of which the complainant as well as liquor vend caught fire. It is stated therein that the complainant after opening the lock of the liquor vend ran towards his brother's house where he found his cousin Ram Krishan and Billu who doused the fire and took him to Government Hospital, Narnaul from where he was referred to another hospital. It is further the case of prosecution that the complainant succumbed to burn injuries after about 10 days of the incident.

3. Learned counsel for the petitioner has submitted that he is nowhere named in the FIR and that it is co-accused Subhash Lal who had allegedly thrown petrol on the complainant and the other co-accused Sumer set the complainant and liquor vend on fire. Learned counsel has submitted that subsequently after arrest of co-accused Subhash who is named in the FIR, he suffered disclosure statements against two persons namely Dharamveer & Roop Chand, who upon their arrest further suffered a disclosure statement nominating the petitioner as one of the accused. It has further been submitted that the petitioner in any case deserves concession of bail on the ground of parity since other co-accused including Subhash @ Bossiya, Dharamveer, Roop Chand and Sachin have since been granted bail.
4. Opposing the petition, learned State counsel has submitted that since the name of the petitioner specifically figures in the disclosure statement made by co-accused Dharamveer and Roop Chand, no case for grant of

bail is made out. Learned State counsel has however not disputed the fact that several other co-accused including the accused named in the FIR have since been granted bail. It has also been informed that the petitioner has been behind bars since last 1 year and that three of the PWs namely PW-1 Billu @ Balwant Singh, PW-2 Krishan Kumar and PW-3 Dharmender have been declared hostile.

5. I have considered rival submissions addressed before this Court.
6. Having regard to the facts and circumstance of the case and while noticing that the petitioner has been behind bars since last more than 1 year and that several co-accused have also been granted bail, further detention of the petitioner will not serve any useful purpose as conclusion of trial is likely to consume some time. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

9.9.2020
Gaurav Sorot

(GURVINDER SINGH GILL)
JUDGE

Whether reasoned / speaking? **Yes / No**

Whether reportable? **Yes / No**