

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

CRM-M-17444-2020 (O&M)

Date of Decision:- 21.7.2020

Sumer

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Vijay Sangwan, Advocate for the petitioner.

Ms. Aditi Girdhar, Assistant Advocate General, Haryana.

*(the aforesaid presence is being recorded through video conferencing
since the proceedings are being conducted in Virtual Court)*

GURVINDER SINGH GILL, J.

1. The petitioner seeks grant of regular bail in a case registered against him vide FIR No.116 dated 22.5.2019 under Section 436 IPC (Sections 302/34/120-B/216 IPC added later on) at Police Station Sadar Narnaul, District Mahendergarh.
2. The FIR was lodged at the instance of Om Parkash (deceased) wherein it has been alleged that he is working as a salesman on a liquor vend and that on 21.5.2019, he went to sleep inside the liquor vend after shutting down the same. It is alleged that at about 1:00 a.m., he saw a light of motorcycle on the front gate of the liquor vend and when he went to check out, he saw that two motorcycles were parked there at the gate. It is alleged that he saw Lala and Sumer while Subhash and other persons were standing on the road. Lala

is alleged to be carrying a plastic bucket which was containing petrol and he poured petrol upon the complainant and also on the liquor vend and thereafter Sumer set him on fire with a matchstick and thereafter all the accused ran away from the spot.

3. The learned counsel for the petitioner has submitted that it is a case where the complainant Om Parkash has since expired and that three other private witnesses have already turned hostile and that in these circumstances, the petitioner deserves the concession of bail. It has further been submitted that the petitioner, in any case, deserves the concession of bail parity inasmuch as three of the co-accused namely Roop Chand, Dharamveer and Subhash have already been granted bail by this Court.
4. Opposing the petition, the learned State counsel has submitted that no doubt it is a case where the complainant Om Parkash has since expired but the FIR itself in the present circumstances can be treated as a 'dying declaration'. It has further been submitted that the petitioner cannot claim parity from the factum of grant of bail to Roop Chand and Dharamveer as the said persons are not named in the FIR. It has also been submitted that the petitioner cannot even claim parity from the fact that Subhash who is named in the FIR has been granted bail inasmuch as Subhash is alleged to be standing on the road and he was neither carrying petrol nor had set the vend or the complainant on fire with a matchstick and that it is co-accused Lala who had poured petrol and it is the present petitioner who had set the complainant on fire with the help of matchstick.
5. I have considered rival submissions addressed before this Court.

6. Having regard to the facts and circumstances of the case especially bearing in mind that the deceased himself categorically stated that it is the petitioner who had set the complainant on fire and who ultimately died and also that the co-accused who have been granted bail are not on the same footing, this Court does not find any ground for grant of bail.
7. The petition is sans any merit and as such is hereby dismissed.

21.7.2020

kamal

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No