

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

**CRM-M-32082-2020 (O&M)**

**Date of decision: 25.11.2020**

**Pardeep**

**...Petitioner**

**Versus**

**State of Haryana**

**...Respondent**

**CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN**

Present:- Mr. Lajpat Sharma, Advocate  
for the petitioner.

Mr. Deepak Kumar Grewal, DAG, Haryana.

**ARVIND SINGH SANGWAN, J. (Oral)**

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 360 dated 30.10.2014, registered under Sections 302, 450, 201, 120-B and 34 of the IPC at Police Station Safidon, District Jind.

Learned counsel for the petitioner submits that the present FIR was registered in the year 2014, however, later on, an untrace report was filed on 20.06.2015. Thereafter, on the direction of the Court, an SIT was constituted and the petitioner and other accused were arrested on 13.10.2019.

Learned counsel further submits that co-accused of the petitioner, i.e. Mangat, Sandeep and Soma @ Sompal, have already been granted concession of regular bail by this Court, vide orders dated 11.08.2020, 01.10.2020 and 13.10.2020 passed in CRM-M Nos. 20905, 27392 and 31540 of 2020, respectively. The operative part of the order dated 13.10.2020 passed in CRM-M-31540-2020 reads as under:

“Learned counsel for the petitioner by making reference to the order dated 11.08.2020 in Mangat’s case submits that it has been noticed in the said order that in the FIR the petitioner herein was himself the complainant and had lodged the FIR on 30.10.2014 that Jyoti (earlier married to Sunil brother of petitioner) has died. It has then come during investigation that unfortunately Sunil had died and a kareva marriage as per customs was conducted between the petitioner and Jyoti.

Learned State counsel on instructions from ASI Hari Krishan submits that the challan in this case was presented on 20.02.2020. There are a total of 44 witnesses but none have been examined. It is further submitted that the petitioner was arrested on 11.10.2019 and has thus completed one year of custody.

At this stage, learned State counsel makes reference to the paragraph 4 of the order dated 11.08.2020, the relevant part of which is to the following effect:-

“...it is relevant to mention here that Puja - the original wife of Sompal was having some dispute and as such was living separately in her paternal home. It has then come in investigation that Sompal was allegedly working with Mangat - the present petitioner as mistry and the allegation against the present petitioner is that he suggested that there are people available who can, by taking some money, eliminate Puja. Sompal paid Rs.1.25 lakhs advance but since those persons could not eliminate Puja, they ultimately eliminated Jyoti on the asking of Sompal. It is then submitted that allegedly Pardeep and Sandeep had actually killed Jyoti whereafter Sompal on the asking, had to pay another amount the total amount being Rs.3.5 lakhs.”

Faced with this situation, learned counsel for the petitioner submits that the petitioner is a 44 year-old person. He submits that the petitioner who had conducted kareva marriage with the deceased is not

likely to be involved in her killing. Counsel further submits in order to show his bona fide, the petitioner and his family members have offered to transfer ownership of one shop in the village in his name which is approximately Rs.4 to 6 lakhs in the name of minor children of the deceased Jyoti within one month of his release, with an undertaking that they would neither alienate the said property nor create any encumbrance on the same, till further orders of the Court and would also undertake not to involve himself in any criminal case from today. The said property shall continue to be in the name of the minor children and the income derived therefrom by way of rent or otherwise shall be utilized only for the benefit of minor children.

Counsel submits that due to the present COVID-19 situation, detention of the petitioner in jail would be dangerous to his life and also keeping in view the fact that trial is likely to take some time, the petitioner may be granted concession of regular bail.

In view of the facts noticed above, the present situation due to COVID-19 and the fact that trial is likely to take some time, this Court deems it appropriate to direct release of the petitioner on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate concerned, subject to his furnishing bail bonds/surety bonds.

In view of the peculiar circumstances as noticed above, in addition to bail bonds/additional surety, which the trial Court may further require the petitioner to furnish as it deems appropriate, in pursuance to the offer made by counsel for the petitioner, the petitioner would transfer ownership of one shop in the village in his name which is approximately Rs.4 to 6 lakhs in the name of minor children of the deceased Jyoti within one month of

his release, with an undertaking neither to alienate the said property nor create any encumbrance on the same, till further orders of the Court and would also undertake not to involve himself in any criminal case from today. The said property shall continue to be in the name of the minor children and the income derived therefrom by way of rent or otherwise shall be utilized only for the benefit of minor children. The above said amount shall be without prejudice to the defence of the petitioner before the trial Court.”

Learned counsel for the petitioner further submits that as per report filed under Section 173 Cr.P.C., there is no recovery from the petitioner and, therefore, his involvement in the alleged offence is doubtful.

Learned State counsel has not disputed the factual position but opposed the bail.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the fact that three of the co-accused of the petitioner have already been granted concession of regular bail by this Court as noticed above including Soma @ Sompal, who is the husband of Jyoti, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaqa Magistrate, concerned.

25.11.2020

*Waseem Ansari*

(ARVIND SINGH SANGWAN)  
JUDGE

*Whether speaking/reasoned*

*Yes/No*

*Whether reportable*

*Yes/No*