

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

222

CRM-M-10800-2020 (O&M)

Date of Decision: 24.11.2021

Pardeep @ Bharthari

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Alok Mittal, Advocate, for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against him vide FIR No.251 dated 27.07.2017 at Police Station Nangal Chaudhary, District Mahendergarh, under Sections 148/149/323/325/452/302/216 IPC.
2. The FIR in question was lodged at the instance of Ramotar, wherein it is alleged that on 27.07.2017, his son Sukhram after having his meals went to sleep inside the *Baithak*, while the complainant slept outside the *Baithak*. It is alleged that the relations between the complainant's family and neighbourers were not cordial and there was a dispute regarding thoroughfare and fields and on account of which at about 3:00 AM, Manohar, Ramji Lal, Bansi, Desh Raj, Ramesh, Jagdish, Vikram, Khayali Ram, Bhola Ram and Devi Lal entered into their house armed with sticks

and gave beatings to his son and also to the complainant. As a result of the beatings given to his son Sukhram, he died at the spot.

3. Learned counsel for the petitioner has submitted that he is nowhere named in the FIR and came to be nominated as an accused subsequently on the basis of a disclosure statement made by co-accused Vikram, the admissibility of which would be debatable. Learned counsel has further submitted that the falsity of the allegations would be evident from the fact that as many as 10 persons have been named in the FIR simply to settle scores with neighbourers on account of some previous dispute, but during the course of investigation as many as 8 were found to be innocent. It has further been submitted that the petitioner in any case has been behind bars since the last more than 4 years and as such, deserves the concession of bail.
4. Opposing the petition, learned State counsel has submitted that since the petitioner has been specifically named by the co-accused and a stick (*danda*) has been recovered pursuant to a disclosure statement made by the petitioner, his complicity is clearly evident. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last more than 4 years and that he is not involved in any other case. It has also been informed that although the prosecution evidence stands concluded, but an application under Section 319 Cr.P.C. has been filed, which is pending since long.
5. I have considered rival submissions addressed before this Court.

6. It is not disputed that the petitioner is not named in the FIR, wherein as many as 10 persons have been specifically named. The petitioner came to be nominated on the basis of a disclosure statement of co-accused, the admissibility and veracity of which would be debatable. In any case, the petitioner has been behind bars for a substantial period of more than 4 years and is not even stated to be involved in any other case. In these circumstances, particularly bearing in mind the custody period and the clean record of the petitioner, the petition merits acceptance and is hereby accepted. 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.

24.11.2021

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**(GURVINDER SINGH GILL)
JUDGE**Whether speaking/reasoned: **Yes/No**Whether reportable: **Yes/No**