

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

106+220

**CRM-37672-2021 in/and
CRM-M-20724-2021**

Date of Decision: 17.11.2021

Akshay @ Bholu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Sunny Bhardwaj, Advocate,
for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana,
assisted by ASI Narinder.

GURVINDER SINGH GILL, J. (Oral)

CRM-37672-2021

In view of the reasons mentioned in the application, the same is allowed and the depositions are taken on record as Annexures P-8 to P-10.

CRM-M-20724-2021

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against him vide FIR No.281 dated 22.12.2019 at Police Station Sector-6, Bahadurgarh, under Sections 302/34 IPC.
2. The FIR in question was registered at the instance of Kuldeep wherein it has been alleged that on 18.12.2019,

son Pardeep, aged 17 years, left home alongwith Raju. It is alleged that later on 22.12.2019, he received information to the effect that Pardeep was admitted in PGI, Rohtak having sustained some injuries and has in fact died. Upon receipt of such information, the complainant reached PGI, Rohtak where he saw the dead body of his son. Raju is also stated to be present in the hospital, who disclosed that he had brought Pardeep along with him for work of supply of liquor and that on 16.12.2019, when one of their vehicle was caught in Delhi, then Akshay @ Bholu and Soni as well as two other friends gave beatings to Pardeep alleging that he had got their vehicle caught. It is further alleged in the FIR that Raju had disclosed that on 17.12.2019, he and Munni Ram had brought Pardeep to Civil Hospital, Bahadurgarh from where he was referred to PGI, Rohtak and that he ultimately succumbed to injuries in PGI. The complainant suspected that Akshay @ Bholu, Soni, Raju and Munni Ram had killed his son.

3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that the falsity would be evident from the fact that when the complainant Kuldeep and other PWs were examined before the trial Court, they did not support the case of the prosecution at all. It has further been submitted that the petitioner has a clean record and has been behind bars since the last about 2 years and as such, deserves the concession of bail.

Learned counsel has also referred to an order dated 04.11.2020

(Annexure P-5) passed in the case of co-accused Sunny i.e. CRM-M-33546-2020 to claim the concession of bail on the grounds of parity as well.

4. Opposing the petition, learned State counsel has submitted that the petitioner cannot claim parity with co-accused Sunny inasmuch as the petitioner is specifically named in the FIR. It has further been submitted that in fact the police has been able to lay hands on a video recording showing the petitioner inflicting injuries to the deceased, which is part of the challan. Learned State counsel, however, could not dispute the fact that the material witnesses including the complainant have since resided before the trial Court. It has been informed that as on date the petitioner has been behind bars since the last 1 year and 11 months and is not involved in any other case.
5. I have considered rival submissions addressed before this Court.
6. Without commenting anything as regards the merits of the case, but while noticing that the material witnesses including the complainant Kuldeep have resided and the petitioner has been behind bars for a substantial period of 1 year and 11 months, further detention of the petitioner will not serve any useful purpose as the conclusion of trial will take some time particularly when only 3 PWs out of cited 27 PWs have been examined till date. 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.

17.11.2021
Vimal

(GURVINDER SINGH GILL)
JUDGE

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No