

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

Criminal Misc.-M No.31632 of 2021

Date of Decision: August 12, 2021

Pardeep

...Petitioner

Versus

State of Haryana

...Respondent

**CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ**

Present: Mr. Sandeep Saini, Advocate,  
for the petitioner.

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

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**MANOJ BAJAJ, J. (Oral)**

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail, pending trial in case FIR No.282 dated 26.06.2019, under Sections 302/34 IPC, 1860, Sections 3(2)(V) ST & ST Act, 1989 and Sections 120-B, 201, 406, 420, 467, 468 and 471 IPC (added later on), registered at Police Station, Safidon, District Jind. The petitioner is in custody since his arrest on 15.02.2021.

The contents of the FIR, as noticed by the Additional Sessions Judge, Jind in his order dated 26.07.2021, are as under:-

*“In brief the facts of the prosecution case are like that the FIR in the present matter was registered on the basis of application moved through post by one Surajbhan son of Hari Singh, resident of village Sahanpur District Jind (hereinafter referred as complainant) and received in the police station on 03.06.2019. In brief, it is alleged in the application that on 22.01.2019, the son of the complainant was doing the work of*

*paint at the house of Satbir Singh son of Kalia and at about 6.00 P.M. accused Rohtash and Ramesh came to him and told him that Hakikat son of Balwan Singh has called him at his house. The son of the complainant went at the house of Hakikat with them. On 23.01.2019 at about 6.00 A.M. the complainant came to know that his son was found in dead condition in the field of Nimanabad. He reached at the spot and informed the police. Thereafter, accused in collusion with the police obtained the false postmortem report and it was told to him that his son has died due to heart attack but his son has been killed by all the accused. A number of vehicles i.e. vehicle No.HR-33G-4800, vehicle No.HR-33B-0642, a new tractor bearing Chasis No.T052434735DG Engine No.E2440008 and bearing registration No.HR-33F-7610 are in the name of his son and the daughter-in-law namely Sharmila is nominee. The accused have killed his son in conspiracy among themselves and taken the possession of the vehicles of his son. Action may be taken against accused.”*

Learned counsel for the petitioner has argued that deceased (Kuldeep) was found dead in the fields and his father, namely Surajbhan (complainant) got recorded DDR No.21 dated 23.01.2019 stating that his son died a natural death, but requested for his postmortem. He has submitted that later on, the FIR was registered on 26.06.2019 on the basis of a supplementary statement and the motive is attributed to co-accused Hakikat. According to him, the petitioner has been falsely implicated being cashier of co-accused Hakikat and as the case of the prosecution is based upon circumstantial evidence, therefore, the further custody of the petitioner may not be necessary. He prays for bail.

On the other hand, learned State counsel, assisted by ASI Deepak Singh, has opposed the prayer and argued that the victim had gone to water the fields of Hakikat, where the petitioner along with other co-

accused had killed him by drowning in the pond. However, he submits that the postmortem report does not contain specific cause of death. Learned State counsel has further argued that co-accused Hakikat had purchased various vehicles in the name of the victim on loan and took possession of the said vehicles.

After hearing the learned counsel for the parties, considering the above background, custody of the petitioner and the fact that even the charges have not been framed, this court finds that the possibility of conclusion of trial in near future seems to be extremely bleak. Apart from it, the material witnesses either are close relatives of the victim or the police officials and, there does not seem to be any possibility of their being won over. Thus, the further detention of the petitioner behind the bars may not be necessary for any useful purpose, who is present confined in judicial custody after his arrest on 15.02.2021.

Resultantly, without meaning any expression of opinion on the merits of the case, the petition is allowed and it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate, Jind.

**August 12, 2021**  
**ramesh**

**( MANOJ BAJAJ )**  
**JUDGE**

**Whether speaking/reasoned**  
**Whether Reportable:**

**Yes/No**  
**Yes/No**