

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

104

**CRM-M-35736-2020
Date of decision: 03.03.2021**

Pardeep Kumar

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Atul Lakhanpal, Senior Advocate with
Mr. Arvindpal Singh, Advocate for the petitioner.

Mr. Ranvir Singh Arya, Addl. A.G. Haryana
for the respondent-State.

Mr. Sanjeev Bishnoi, Advocate
for the complainant.

ARUN KUMAR TYAGI, J (ORAL)

The petitioner has filed the present (first) petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.117 dated 10.05.2020 registered under Sections 147, 148, 188, 302, 323 and 506 read with Section 149 of the Indian Penal Code, 1860 in Police Station Agroha, District Hisar.

The above-said FIR was registered on statement of Ashok Kumar who alleged that on 09.05.2020 in the evening Ajay and his brother-in-law Pardeep came to him and he along with his cousin Amit, Ajay and Pardeep started drinking alcohol in the cricket ground. After sometime Amit went home and came back on his motorcycle. Ajay made a phone call to Vinod who also reached there. Vinod parked his motorcycle near cycle stand. He along with Amit, Ajay, Pardeep and Vinod went to Jagat Palace Hotel in Verna car of Ajay. When they were

sitting in the Jagat Palace Hotel, altercation took place between Amit, Ajay, Pardeep and Vinod and Ajay and Pardeep started abusing him, Amit and Vinod. Ajay gave 2/3 slaps to Ashok Kumar in anger due to which the altercation increased. Ajay and Pardeep went in their Verna car after threatening them with dire consequences. He, Amit and Vinod stayed at the hotel. At about 3:30 a.m. in the morning, Ajay, Ajay's uncle Ajmer, Ajay's father Mahabir and two other persons came in the Swift Car of Ajmer. Ajmer asked Vinod and Amit to come on one side. He, Amit and Vinod went towards petrol pump on their asking. As soon as they reached at the petrol pump, Ajay, Ajmer, Pardeep and Mahabir and two other persons took out lathies and dandas from their swift car and started beating them and inflicted serious injuries to Ajay and Vinod who fell down. Thereafter the accused fled from the spot. He called ambulance and took them to MAMC Agroha. Amit was shifted to Churamari Hospital, Hisar where he was declared dead.

The petitioner, who is in custody since his arrest, has filed the present petition for grant of regular bail.

The petition has been opposed by the learned State Counsel in terms of reply filed by way of affidavit of Sh. Abhimanyu Lohan, HPS, Deputy Superintendent of Police, Detective, Hisar. However, no reply has been filed by the complainant.

I have heard learned Senior Counsel for the petitioner, learned State Counsel and learned Counsel for the complainant and have gone through the relevant record.

Learned Senior Counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case. There

is no cogent evidence to connect the petitioner in the crime. During investigation the Investigating Agency obtained the CCTV footage from the place of occurrence. As per the CCTV footage the petitioner was not present at the time of alleged occurrence. The investigation was carried out by the DSP and he also found that the petitioner was not present at the time when the injuries were caused to the deceased-Amit and injured-Vinod. The trial is likely to take long time due to restrictions imposed to prevent the spread of infection of Covid-19 and no useful purpose will be served by further detention of the petitioner in custody. Therefore, the petitioner may be granted regular bail.

On the other hand, learned State Counsel and learned Counsel for the complainant have submitted that the petitioner was named in the FIR and actively participated in the crime. Presence of the petitioner could not be covered by the CCTV camera as he was standing on the other side of the car. The petitioner is also involved in one more criminal case. In view of nature of accusation and gravity of offences, the petitioner does not deserve grant of regular bail. Therefore, the petition may be dismissed.

However, learned State Counsel has conceded that in the CCTV footage of the alleged occurrence obtained by the police, the petitioner is not seen causing any injury to the deceased-Amit and injured-Vinod.

Keeping in view the facts and circumstances of the case, nature of accusation and evidence against the petitioner, the fact that the injuries caused to deceased-Amit and injured-Vinod are not attributed to the petitioner and also the fact that the trial is likely to take

long time due to restrictions imposed to prevent the spread of infection of Covid-19 but without commenting on the merits of the case, I am inclined to extend the concession of regular bail to the petitioner.

In view of the above, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of personal and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

03.03.2021
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(ARUN KUMAR TYAGI)
JUDGE

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