

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

CRM-M-8044-2022

Date of Decision:-02.03.2022

Pardeep.

.....Petitioner.

Versus

State of Haryana.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Ajay Kalra, Advocate &
Mr. Rakesh Malhotra, Advocate for the Petitioner.

Mr. Vikrant Pamboo, Deputy Advocate General, Haryana.

JASJIT SINGH BEDI, J.(ORAL)

The Prayer in this petition is for the grant of regular bail under Section 439 Cr.PC in case FIR No.549 dated 09.09.2021 under Sections 148, 149, 302, 506 IPC (Sections 120-B IPC and Section 25 of the Arms Act added later on) registered with Police Station Sonipat City, District Sonipat.

Learned Counsel for the petitioner submits that initially five persons were named in the FIR, namely, Naresh, Pawan, Jagbir, Sonu and one Hardeep. Thereafter on 10.09.2021 i.e. two days after the occurrence, the supplementary statement of the complainant was recorded, wherein he stated that out of shock he had named the aforementioned five accused but he has now come to know that his brother, namely, Ravinder @ Billu had

been murdered by Deepak son of Bhagwan and Pardeep son of Ramphal in conspiracy with each other. He has referred to some motive as well.

Learned Counsel for the petitioner states that other than the supplementary statement of the complainant, which in any case amounts to suspicion at best there is complete improvement from his initial version. He further states that other than the supplementary statement of the complainant there is an inadmissible disclosure statement of his co-accused Deepak. He thus contends that there is absolutely no evidence against the petitioner and even otherwise charges against him have been framed under Section 120-B IPC read with Section 302 IPC, though even for conspiracy there is no evidence.

Learned Counsel for the State on the other hand contends that while it is correct that the petitioner has been named in the supplementary statement of the complainant, it is a matter of record that the mobile phone location of Pardeep was near the place of occurrence at the time of alleged time of occurrence. He further states that it is a heinous offence and the petitioner does not deserve bail. He however, admits that there is no other evidence against the petitioner except the evidence as mentioned above.

I have heard learned counsel for both the parties.

The charges in the present case were framed on 22.11.2021 and as many as 18 Pws have been cited in the list of witnesses. It would be a moot point during trial as to whether the evidence against the petitioner is sufficient to establish his guilt. The petitioner is in custody since 26.09.2021. Thus his further incarceration would not serve any fruitful purpose.

Therefore, without commenting upon the merits of the case,

keeping in view the custody period and the fact that the trial is not likely to be concluded in near future, the present petition is allowed and the petitioner **Pardeep** son of Sh. Ramphal is ordered to be released on bail subject to the satisfaction of learned CJM/Duty Magistrate, Sonipat.

It is further made clear that if petitioner indulges in similar offences for which he is currently charged, the State would be at liberty to move an application for cancellation of bail.

(JASJIT SINGH BEDI)
JUDGE

March 02, 2022
Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>