

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-24161-2022 (O&M)
Date of Decision:- 12.12.2022

Pardeep Kumar

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Jitender Kumar Sehrawat, Advocate, for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana,
assisted by SI Suresh Kumar.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of a case registered against him vide FIR No. 237, dated 2.7.2012, Police Station Narnaund, District Hisar, under Sections 302, 506, 148, 149, 120-B of IPC.
2. The FIR was lodged at the instance of Rajesh Kumar wherein it is alleged that on 1.7.2012 he along with brother-in-law of his sister i.e. Amarjit, Sukhbir, Mahavir, Om Parkash and Pardeep were present in the house of Jasbir i.e. complainant's brother-in-law and later at about 10.00/10.30 pm when Amarjit Singh left from the said place, he was waylaid by accused Sukhbinder, Kulbir @ Kullu, Karan,

Mohni, Raghbir @ Bhira, Sandeep @ Gaffu, Jagjit, Karnail @ Nehla, Gurvinder, Krishan, Suresh @ Gunga, Joginder @ Jogad who attacked Amarjit Singh and gave fire-arm injuries to him leading to his death.

3. Learned counsel for the petitioner submits that he is nowhere named in the FIR and has been nominated as an accused on the basis of his own disclosure statement which would hardly carry any evidentiary value.
4. Learned counsel has further submitted that the falsity of the case would be evident from the fact that when the complainant Rajesh as well as other 3 eye witnesses were examined during the proceedings of trial, none of them has supported the case of prosecution at all. Learned counsel in this regard has drawn the attention of this Court to the statements of PW-2 Rajesh Kumar, PW-3 Ram Kumar, PW-4 Jagbir and PW-5 Mahabir.
5. Learned State counsel has however, opposed the petition and has submitted that it is apparently a case where the petitioner has been able to intimidate the eye witnesses and that keeping in view his chequered record inasmuch as he had been declared a 'Proclaimed Offender' on two occasions in this very case, he does not deserve to be released on bail. Learned State counsel has however, informed that the petitioner otherwise has been behind bars since the last more than one year.
6. This Court has considered the rival submissions.

7. Having regard to the fact that the complainant i.e. PW-2 Rajesh as well as other eye witnesses have not supported the case of the prosecution at all and have been declared hostile during the proceedings of the trial and while also noticing that the petitioner otherwise has been behind bars for a substantial period of more than one year, further detention will not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

12.12.2022

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No