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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-25827-2023 (O&M)
Date of Decision: 26.05.2023

SATENDER JOON @ BHANDU

... Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Saurabh Dalal, Advocate
for the petitioner.

Mr. Neeraj Poswal, Asst. A.G., Haryana.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail in case bearing FIR No.60 dated 20.02.2022 registered under Sections 307 and 302 of IPC at Police Station Sector-6, Bahadurgarh, District Jhajjar.

2. The brief facts of the case are that the statement of Suresh @ Pappu son of Hoshiar Singh was recorded to the effect that they were four brothers and their houses were in front of the Bairagi Choupal on Bahadurgarh/Rohtak Road at Village Sankhol. Adjoining their house, Satender Joon @ Bhandu (petitioner) had set up his office. On 20.02.2022, at around 10.00 AM Satender Joon @ Bhandu came to his (complainant's) house to call him to the office. He (complainant) followed him (petitioner) there. The friends of Satender Joon @ Bhandu namely, Kale of Bhaproda, Johny of Ismaila and two more boys were consuming liquor. He (complainant) also

joined them. A few days ago, Kale had been told by him (complainant) to lower the volume of the music system installed in his tractor. On this, Kale started fighting with him (complainant) and one of the other boys exhorted to set him (complainant) on fire upon which, the other boy poured a bottle of liquor on him while Kale lit the same with an intention to kill him (complainant). They all fled away. His (complainant's) brother Sanjay came and rescued him by extinguishing the fire with water.

Subsequent to the registration of the FIR, the complainant died.

3. The learned counsel for the petitioner contends that he has been falsely implicated in the present case. There was no connecting evidence available against the petitioner. In fact, the deceased and the petitioners had been friends for more than a decade and the challan had been wrongly presented against the petitioner. The enmity of the deceased was with the co-accused Kale and not with the petitioner. As the petitioner was in custody since 22.02.2022 and none of the 38 prosecution witnesses had been examined so far, the petitioner was entitled to the concession of bail.

4. On the other hand, the learned State counsel contends that it was the petitioner who had called the deceased to his office on the day where four other persons were sitting and consuming liquor. As per the investigation, all the accused had been exonerated except the petitioner. It was a case of planned murder wherein the role of the petitioner was of having called the deceased whereas the other set him on fire though now the petitioner was the sole accused. Therefore, the manner in which the occurrence took place did not entitle the petitioner to the grant of bail. Even otherwise, the present was

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the second petition for the grant of regular bail, the first one was dismissed as withdrawn on 18.01.2023. The counsel for the petitioner had not pointed out any change in circumstances necessitating the filing of the instant second petition. He, therefore, contends that no case for the grant of bail was made out.

5. I have heard the learned counsel for the parties at length.

6. Admittedly, as per the version of the FIR, the petitioner called the deceased to his office where they consumed liquor. Subsequently, the co-accused lit the deceased on fire. After police investigation, the petitioner alone was charge-sheeted. The gruesome manner with which the offence was committed does not entitle the petitioner to any sympathy whatsoever. Even otherwise, the present is the second bail application of the petitioner and no change in material circumstances have been pointed out for the grant of bail.

7. In view of the above, I find no merit in the present petition and therefore the same is dismissed.

(JASJIT SINGH BEDI)
JUDGE

26.05.2023

JITESH

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