

CRM-M-49313-2022 (O&M) -1-

IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH

(209) CRM-M-49313-2022 (O&M)  
Date of decision:- 03.07.2023

Pardeep ... Petitioner  
Versus  
State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Vivek Lamba, Advocate  
for the petitioner.  
  
Mr. Munish Sharma, DAG, Haryana  
for State-respondent.

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SUVIR SEHGAL, J. (ORAL)

1. Instant petition has been filed under Section 439 Cr.P.C. seeking grant of post-arrest bail in:-

| FIR No. | Dated      | Police Station                          | Sections                                                          |
|---------|------------|-----------------------------------------|-------------------------------------------------------------------|
| 173     | 25.06.2020 | Lakhan Majra, District Rohtak, Haryana. | 201 and 302, IPC (later on Sections 120-B and 34, IPC were added) |

2. Case of the prosecution is that FIR, Annexure P-1, has been registered on a complaint by Rajesh @ Bobby on the allegation that his son, Sandeep, had enmity with Khandu. In the evening of 24.06.2020, his son

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along with Sonu had gone for a walk. The next morning, the complainant received information that his son and Sonu had been set ablaze by Khandu, Surjeet, Pardeep (present petitioner), Monu son of Mahla, Monu son of Krishan and Tola.

3. Counsel for the petitioner has argued that although the petitioner has been named as an accused in the FIR, but there is no allegation of any personal enmity between the petitioner and the deceased. He urges that the only damning material against the petitioner is his disclosure statement, which is inadmissible in evidence. He submits that no recovery has been effected from the petitioner. Still further, by making a reference to the reply, he submits that as per the FSL report, no residue of fuel was detected. He asserts that the petitioner, who has clean antecedents and is in custody since 04.07.2020, deserves to be enlarged on bail as the complainant has been examined.

4. *Per contra*, State counsel by making a reference to the reply submitted by way of an affidavit of Deputy Superintendent of Police, Meham, District Rohtak, which is taken on record, submits that the petitioner was hand in glove with the accused and played a pivotal role in procuring the axe by which deceased were done to death by co-accused before being set ablaze. He submits that although the petitioner does not have any criminal antecedents, but his role is established from his self incriminating statement, Annexure R-3. He has opposed the petition by submitting that the allegations against the petitioner are serious and grave.

5. I have heard counsel for the parties and considered their respective submission.
6. Role ascribed to the petitioner would remain a subject matter of debate before the Trial Court. Complainant, who is the most vital prosecution witness, has been examined. Trial is at a nascent stage as 6 out of 21 witnesses have been examined, whereas the petitioner is in detention for thirty six months. This Court is, therefore, inclined to accede to the prayer made in the petition.
7. Without advertng to the merits or demerits of the arguments addressed, petition is allowed. Petitioner is ordered to be released on bail on furnishing adequate bail/surety bonds to the satisfaction of the Area Magistrate/Duty Magistrate/Trial Court concerned.
8. It is clarified that nothing said hereinabove shall be construed to be an expression of opinion on the merits of the case.

(SUVIR SEHGAL)  
JUDGE

03.07.2023

Kamal

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|---------------------------|--------|
| Whether Speaking/Reasoned | Yes/No |
| Whether Reportable        | Yes/No |