

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-51573-2022 (O&M)

Date of decision: 09.08.2023

NINDERPAL SHARMA @ NARINDERPAL SINGH

..Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Abhishek Singla, Advocate for the petitioner.

Mr. Gurdarshan Singh Sidhu, AAG Punjab.

HARNARESH SINGH GILL, J. (ORAL)

1. The petitioner has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No. 23 dated 04.04.2021 registered under Sections 307, 34 IPC, Section 302 IPC added later on vide DDR/GD No.18 dated 08.04.2021 and Section 307 IPC deleted vide DDR/GD No.13 dated 09.04.2021, at Police Station P.S. Phul, District Bathinda.
2. Vide order dated 09.05.2023, a report was sought from the learned trial Court regarding the status of trial. As per the report dated 07.08.2023 of the learned Additional Sessions Judge, Bathinda, out of 17 prosecution witnesses, 05 have been examined and even out of them one witness is yet to be cross-examined and the next date before the learned trial Court is 10.08.2023.
3. Learned counsel for the petitioner submits that the allegations

that the petitioner had caught hold of his father; that his wife had poured the Kerosene on him and one Fateh Singh, had set him on fire alive, are false; that the petitioner has no criminal antecedents and is not involved in any other case; that nothing is to be recovered from the petitioner and that the petitioner has been in custody since 05.04.2021.

4. Learned counsel for the petitioner submits that the learned Additional Sessions Judge, Bathinda, has wrongly dismissed the regular bail petition, by considering it to be a case of '*dying declaration*'.
5. Learned State counsel, while vehemently opposing the prayer for bail, submits that the statement of Satpal Sharma-father of the petitioner was recorded in the Hospital, who died after two days, in which he had stated that the petitioner, his wife and Fateh Singh set him on fire alive. It is further submitted that the allegations against the petitioner and co-accused are very serious and in case, he is enlarged on bail, every effort will be made by him to either tamper with the evidence or win over the witnesses. However, he does not dispute the custody period of the petitioner.
6. I have heard the learned counsel for the parties.
7. The allegations against the petitioner and co-accused are very serious in nature and Satpal Sharma-father of the petitioner had specifically named the petitioner, his wife and Fateh Singh, in his statement recorded in the hospital. If the petitioner is released on bail, there is every possibility of tempering with the evidence by him. The petitioner in connivance with other co-accused had set his father on fire alive and if such type of criminal minded persons are released on bail, this would spoil the peace and harmony, There is

a need to give a message to the society to avoid such a heinous crime not to be repeated again, where a father has been brutally murdered by his own son, therefore, no leniency can be shown towards such kind of gruesome crime.

8. In view of the above, the present petition is dismissed.

09.08.2023

Mangal Singh

(HARNARESH SINGH GILL)

JUDGE

Whether reasoned/speaking?

Whether reportable?

Yes/No

Yes/No