



**239 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-31513-2024

Date of decision : 03.12.2024

Pardeep

.....Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Rajat Mor, Advocate
for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana with
ASI Pawan Kumar.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed by the petitioner praying for grant of regular bail in case FIR No.119 dated 26.03.2022, under Sections 302, 460 of IPC (wrongly mentioned as Section 406 of IPC in the impugned order) (Section 201 and 34 of IPC added subsequently), registered at Police Station City Bahadurgarh, District Jhajjar.

2. Succinctly facts of the case are that FIR was lodged on the statement of Ramavtar son of Tasbir Singh. It was alleged that on 26.03.2022 at about 08:30 AM, his neighbour, Jai Bhagwan told him that some untoward incident has taken place in the factory where his father namely, Tasbir Singh was working. On hearing, he along with his younger brother, Sudhir, reached the factory. After entering the security room, they found that his father was lying down on the floor and blood was oozing out from his ear and nose and gas cylinder was also lying near the head of his father. The owner of the factory namely, Amit Bansal disclosed that the Laptop make Acer was also missing. It was alleged that his father was murdered by giving injuries with intention to commit theft. Request was



made to take legal action against the culprits. On registration of the FIR, investigation commenced. Petitioner was arrested on 19.04.2022. He approached the Court of learned Sessions Judge, Jhajjar praying for the grant of bail. However, finding no merit in the same, learned Sessions Judge, Jhajjar dismissed the same vide his order dated 04.01.2024. Hence, petitioner is before this Court by way of filing the present petition.

3. Learned counsel for the petitioner has vehemently contended that neither petitioner is named in the FIR nor there is any attribution alleged against him. He submits that the petitioner is implicated in the present case on the basis of disclosure statement made by the co-accused. He submits that the alleged recovery of the Laptop is a planted recovery as the owner of the factory could not produce anything in support of its ownership. He submits that during the trial, complainant has been examined who is none other than son of the deceased and he has not supported the case of the prosecution. He further submits that petitioner has no criminal antecedents and he is behind bars from last more than 2 ½ years but till date the trial has not been concluded. It is submitted that the case of the prosecution is based on the circumstantial evidence and there being no credible evidence led by the prosecution, long incarceration of the petitioner in itself is a ground for the grant of bail.

4. *Per contra*, learned State counsel has opposed the submissions made by counsel for the petitioner. He, on instructions from ASI Pawan Kumar, submits that after registration of the FIR, investigation has been carried out and the complicity of the petitioner was established from the CCTV footage recovered and the recovery made from the Laptop recovered from him. He submits that even CCTV installed at Toll Plaza were investigated and the complicity of the petitioner was



found in the present case. He submits that out of 37 prosecution witnesses, 15 witnesses have been examined. He has placed on record the custody certificate. He submits that there being no merit in the petition, the same deserves to be dismissed.

5. After hearing counsel for the parties and perusing the record, it is apparent that the petitioner is behind bars since 19.04.2022. The case of the prosecution is based on the circumstantial evidence. As per the case of the prosecution, there is a recovery of the Laptop stolen from the factory. There is no gainsaying that petitioner is behind bars from last about 02 years 07 months and 12 days as on 02.12.2024. As submitted, the material witnesses before this Court already stand examined out of which, complainant has not even supported the case of the prosecution.

6. The veracity of the allegations would be assessed only after conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. The trial of the case will take sufficiently long time. Thus, keeping in view the overall facts and circumstances of the case, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

03.12.2024
m.sharma

(**RAJESH BHARDWAJ**)
JUDGE

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