

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

CRM-M-40469-2024 (O&M)
Date of Decision:-11.12.2024

Sandeep

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Paramjit Singh Jammu, Advocate with
Mr. Simranjot Singh Gill, Advocate,
for the petitioner.

Mr. Neeraj Sheoran, DAG, Haryana.

Mr. Kushager Goyal, Advocate for the complainant.

FIR No.	Dated	Police Station	Under Section/s
166	3.8.2022	Odhan, Sirsa, District Sirsa	147, 149, 302 of Indian Penal Code

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of the aforementioned FIR.
2. The FIR was lodged at the instance of Pawan Kumar, wherein it is alleged that his younger brother Sandeep, aged about 25 years, was a mason by profession. On 03.08.2022, the complainant received two missed calls on his mobile phone at about 4.00 AM from the mobile phone of his brother. Thereafter, when the complainant tried to call his brother Sandeep, his brother's phone was 'switched off'. After about 10-15 minutes, the complainant received a call from his brother Sandeep, who asked the



complainant to let him talk to his mother, which the complainant arranged. However, the complainant's mother handed over the phone to the complainant and the complainant heard voice of unknown person on the phone saying that the complainant's brother Sandeep is in their custody at Village Khuiyan Nepalpur and the said unknown person asked the complainant to come to the said village alongwith 4-5 persons for taking back his brother. Shortly, thereafter another phone call was received by the complainant from the unknown person, who told the complainant that his brother Sandeep had come to their house situated at Village Khuiyan Nepalpur and had committed a wrongful act. The said person again asked the complainant to come there failing which they would kill the complainant's brother. The complainant accompanied by his father Dharam Singh as well as his uncles Ram Kishan and Ram Kumar went to Village Khuiyan Nepalpur, where they came to know that Sandeep had come to the house of Mani Ram during night and had been caught red-handed in the company of Mani Ram's mother, namely, Parveen Kaur in a compromising position and that Mani Ram alongwith other co-accused had murdered Sandeep by inflicting injuries with sticks, belt, fist and kick blows.

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and came to be nominated subsequently on the basis of disclosure statement made by co-accused Parveen Kaur and Mani Ram. It has also been submitted that the petitioner as of now has been behind bars since the last more than 2 years and 3 months and otherwise is not involved in any other case.



4. Opposing the petition, learned State counsel assisted by learned counsel for the complainant submitted that having regard to the fact that the deceased was virtually given beatings the entire night and was beaten to death, wherein the petitioner gave injuries to the deceased with the help of a belt, no case for grant of bail is made out. Learned State counsel informed that as on date none out of cited 22 PWs has been examined and that the petitioner otherwise is not involved in any other case.
5. Learned counsel representing the complainant submitted that there is a video footage indicating that it is the petitioner, who had inflicted repeated injuries to the deceased with the help of a belt, which ultimately led to his death, and as such his complicity is clearly evident. Learned counsel submitted that the belt used for causing injuries to the deceased has also been recovered from the petitioner.
6. This Court has considered rival submissions addressed before this Court.
7. While it is correct that the petitioner is stated to have been nominated on the basis of disclosure statement made by two of the co-accused, however, this Court cannot lose sight of the fact that the petitioner as of now has been behind bars for a substantial period of more than 2 years and 3 months. Trial has not even commenced till date inasmuch as none out of the cited 22 PWs has been examined so far. Under these circumstances, the petitioner cannot be kept behind bars for an indefinite period particularly when he otherwise is not stated to be involved in any other case and has clean antecedents and also when conclusion of trial is likely to consume time.



8. The instant petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

11.12.2024
Pankaj

(Gurvinder Singh Gill)
Judge

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