



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

225

CRM-M-54219-2024(O&M)

Date of Decision: 13.12.2024

PARDEEP ALIAS SARPANCH

....Petitioner

VERSUS

STATE OF HARYANA

....Respondent

CORAM : HON'BLE MRS. JUSTICE MANISHA BATRA

Present : Mr. Abhishek Chha, Advocate for the petitioner.

Mr. Arjun Lakhanpal, Addl. A.G. Haryana.

MANISHA BATRA, J. (Oral)

1. The instant petition has been filed by the petitioner seeking concession of regular bail in case arising out of FIR No.283 dated 26.07.2023 under Sections 302, 148, 149, 323, 506 of IPC at Police Station Baroda, Gohana, District Sonipat, Haryana.

2. The aforementioned FIR was registered on the basis of written complaint lodged by the complainant – Ajit Singh alleging therein that in the morning of 25.07.2023, the accused Billu had taken his father Dhani Ram along with him on his motorcycle on the pretext of taking him to Hisar. On the same night, he received information that his father was admitted in some Hospital at Hisar as he had suffered injuries. On receipt of this information, the complainant made a telephonic call to his brother Ajay who was living with his father at his native village and who informed that the present petitioner along with co-accused Billu, Naresh @ Neshi, Sehdev and two



other unknown youths had abducted their father and had caused injuries to him as well as to uncle Pyare Lal. The complainant who was residing in village Chapra then went to his native village in the next morning and found the dead body of his father to be lying in a room and was told by his brother that the petitioner and the co-accused had thrown the dead body of his father in the street during the previous night and had fled away. After registration of FIR, investigation commenced.

3. During investigation, the statement of Ajay, brother of the complainant had been recorded who disclosed that the victim had acted as a Mediator in performance of the marriage of the co-villager Naresh @ Neshi which took place on 14.05.2023. Due to some discord, wife of the Naresh @ Neshi went back to her parental house and Naresh @ Neshi had started nursing grudge against the victim. He also disclosed that the accused Naresh along with the co-accused had taken his father on 25.07.2023, on the pretext of bringing his wife back and on the same night, the present petitioner along with co-accused Akshay alias Partakar, Mohit and Sumit alias Dada had come to the house of the victim and had assaulted Ajay and also proclaimed that they would kill him like his father Dhani Ram. The said Ajay also disclosed that he had seen the accused Naresh @ Neshi, Puran, Mohit and Sumit Khasa while inflicting injuries to his father with batons in the street when he came outside to save himself and out of fear, he had fled away and concealed himself in the bushes. The accused Puran and Mohit were arrested on 28.07.2023. They suffered disclosure statements wherein the fact that the



petitioner was involved in the murder of the victim was also disclosed. The petitioner was arrested on 04.09.2023. He too suffered disclosure statement and got recovered a wooden baton used for causing injuries to the victim and also the vehicle used in the crime. The call details record of the accused were also collected and it was revealed that the petitioner and other accused were present at the spot at the time of occurrence. The investigation has since been completed.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He is in custody since 28.07.2023. The complainant Ajit and eye witnesses Ajay, Krishna and Pyare Lal have not supported the prosecution version. There is no incriminating evidence to connect the petitioner with the offence of murder of the victim. The trial is likely to take time. No useful purpose would be served by detaining him in custody any more. Therefore, it is urged that the petitioner deserves to be extended benefit of bail.

5. Status report has been filed by respondent-State. Learned Additional Advocate General, Haryana has argued that keeping in view the gravity of the allegations as levelled against the petitioner, he does not deserve to be extended benefit of bail.

6. I have heard learned counsel for the parties at considerable length and have gone through the record carefully.



7. As per the allegations, the petitioner by forming membership of an unlawful assembly with the co-accused and in prosecution of common object of that assembly committed murder of the victim Dhani Ram. The petitioner has placed on record copies of statements of the complainant i.e. PW-1, Ajit and other material witnesses namely PW-2 Ajay, PW-3 Krishna and PW-4 Pyare Lal and perusal of the same reveals that neither of them has deposed anything against the petitioner. All of them have turned hostile and have not supported the prosecution version at all. They are shown to have stated that the victim had been murdered by some unknown persons and denied that the petitioner had any hand in the homicidal death of the victim. Taking into consideration the nature of the evidence that has come on record of the trial Court, the period of incarceration of the petitioner and the attendants facts and circumstances but without commenting to make any comment on the merits of the case, it is observed that the petitioner deserves to be released on bail. Accordingly, the petition is allowed and the petitioner is allowed to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

9. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

13.12.2024

Deepak Patwal

(MANISHA BATRA)**JUDGE**

1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No