



CRM-M-20973-2024

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

CRM-M-20973-2024

Date of Decision: 28.04.2025

Sawan

..... Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Sunny Tyagi, Advocate, for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

Rajesh Bhardwaj, J. (ORAL)

1. Petitioner has approached this Court by way of present petition praying for granting regular bail in case FIR No.495 dated 27.07.2022 under Section 346 IPC (Sections 120-B, 302, 365, 201 IPC added and Section 346 IPC deleted lateron), registered at Police Station Gharaunda, District Karnal.
2. Succinctly, facts of the case are that the FIR in the present case was registered on the statement of complainant Ishwar. It was alleged that he has three daughters and one son, namely Pardeep Singh, who was 36 years of age and was working as a Computer Operator in Gharaunda Electricity Board. On 26.07.2022, his son Pardeep had gone to duty on his motorcycle Hero Deluxe No.HR05-AG-3684 and did not return back home. Request was made to search his son. On 29.07.2022, a telephonic message was received in the Police Station from P.S. Shahabad Dairy, Delhi with regard to discovery of dead body of Pardeep in Khera Canal. Thereupon, the Police party alongwith relatives of deceased Pardeep went to P.S.Shahabad Dairy, Delhi and got identified the dead body, which was kept in the mortuary. After conducting the postmortem, the dead body was handed over to the family members of the deceased. On the registration of the FIR, the investigation commenced. During the investigation, accused Rahul was



arrested and his disclosure statement was recorded, wherein, he disclosed that he alongwith Sawan (petitioner), Vishal, Vinay @ Vishal and Ajay threw the deceased in the canal. Thereafter, the petitioner was arrested on 04.08.2022. The petitioner approached the Court of learned Additional Sessions Judge, Karnal praying for grant of regular bail. However, after hearing both the sides, the learned Court finding no merit in the same, dismissed the bail application filed by the petitioner vide order dated 18.04.2024. Hence, the petitioner has approached this Court praying for grant of bail by way of filing the present petition.

3. It has been vehemently contended by learned counsel for the petitioner that the petitioner has been falsely and frivolously implicated in the present case. He submits that case of the prosecution is based on circumstantial evidence and there is no direct evidence to connect the petitioner with the commission of offence and there is no motive for the commission of such offence. He submits that in all there are five accused, out of which, accused Ajay has been granted bail by this Court vide order dated 03.04.2024 passed in CRM-M-1339-2024 and accused Vinay @ Vishal and Vishal have been granted bail by learned trial Court vide order dated 12.04.2024. He has further submitted that role attributed to the petitioner is similar to the said co-accused. It is submitted that out of total 28 prosecution witnesses, 08 witnesses have already been examined including wife of the deceased, who did not support the case of the prosecution. It is submitted that the petitioner is behind bars since the date of his arrest and has no criminal antecedents. He, thus, submits that in the overall facts and circumstances of the present case, the petitioner deserves to be granted bail.



4. Per contra, learned State counsel has opposed the submissions made by counsel for the petitioner. He has submitted that the petitioner alongwith the co-accused actively participated in the commission of offence. He submits that it is the petitioner who threw the motorcycle of the deceased in the Canal and thereafter, destroyed the same and thus, offence under Section 201 IPC was added in the present case. On instructions, he submits that out of total 28 prosecution witnesses, 07 witnesses have have been examined so far. However, he acknowledges that co-accused Ajay, Vinay @ Vishal and Vishal have been granted regular bail.

5. After hearing counsel for the parties and perusing the record, it is inferred that the petitioner was arrested on 04.08.2022 and thus, is behind bars from the last more than 2½ years. Co-accused of the petitioner, namely, Ajay, Vinay @ Vishal and Vishal have been granted regular bail. This Court refrains itself from going into deciding the veracity of the allegations and counter allegations as made by both the sides, as the same would lie in the domain of the trial Court. Out of total 28 prosecution witnesses, 07 witnesses have been examined including the wife of the deceased, who did not support the case of the prosecution. There is nothing on record to show that the petitioner has any criminal antecedents.

6. The trial of the case will take sufficient long time. Keeping in view the arguments raised by both the sides and perusing the record, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner.

7. 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.

8. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

(RAJESH BHARDWAJ)
JUDGE

28.04.2025

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Whether Speaking/Reasoned :	Yes/No
Whether Reportable :	Yes/No