

CRM-M-57016-2023
CRM-M-31348-2024

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239/263

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Date of decision:-11.02.2025

1. CRM-M-57016-2023

DEEPAK @ PARDHAN

... Petitioner

Versus

STATE OF HARYANA

... Respondent

2. CRM-M-31348-2024

RAHUL

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Rohit Mittal, Advocate,
for the petitioner in CRM-57016-2023.

Mr. Devender Arya, Advocate,
for the petitioner in CRM-31348-2024

Mr. Vipul Sherwaol, AAG, Haryana.

SANJIV BERRY, J.(ORAL)

Both the bail petitions arising out of the same FIR are taken up
together for disposal.

2. The instant petitions have been preferred by the petitioners
under Section 439 of the Criminal Procedure Code for grant of regular bail in
the following case (Annexure P-1):-



FIR No.	Dated	Sections	Police Station
160	26.06.2022	147, 149, 285, 427, 436, 506, 120B IPC (307, 302 IPC added later on)	Nangal Chaudhary, District Mahendergarh

3. Arguments heard.
4. It is *inter alia* contended by learned counsel for the petitioners that the petitioners are innocent, and have been falsely implicated in this case. They contend that petitioners have no concern whatsoever with the alleged occurrence. They submit that the petitioners are in custody since 28.06.2022, challan has already been presented in Court after completion of investigation and the material witnesses of the case have already been examined during course of trial. They contend that the complainant eye witnesses namely Arvind has been examined as PW-6 during course of trial and he had given clean chit to the petitioners, categorically stating that the accused present in court are not the persons who had committed the crime. They further contend that similarly placed co-accused Neeraj @ Golu has already been granted concession of bail vide order dated 07.03.2024 passed in CRM-M-55831-2023. Hence prayed for grant of regular bail to the petitioners.
5. *On the other hand*, learned State counsel referring to the reply submitted by the State has assailed these arguments and prayed for dismissal of the bail petitions considering the nature and gravity of the offence. However, he has not disputed the factual matrix qua 14 witnesses out of 27 witnesses have been examined including all the material witnesses and that the complainant-eye witness while appearing as PW-6 had not supported the



case of the prosecution and gave clean chit to the petitioners qua their presence at the time of the occurrence. He has also not disputed the case of the petitioners being at par with co-accused Neeraj @ Golu who had already been granted concession of bail vide order dated 07.03.2024 (supra).

6. After considering the rival contentions and perusing the record, it is observed that as per the allegations levelled by the prosecution in the case registered on the statement of the complainant is that on the fateful day the petitioners alongwith other co-accused had set the liquor shop on fire leading to death of one Deepak. As per the case of the prosecution Arvind PW-6 happens to be the complainant-eye witness of the occurrence being working as salesman in the liquor vend. It is worth mentioning here that during course of trial, the prosecution has examined this crucial witness Arvind as PW-6, however in his testimony he had no supported the case of the prosecution and turned hostile and had not connected the present petitioners with the alleged occurrence in any manner. Admittedly as stated by learned State counsel all the material witnesses have been examined during course of trial and only official witnesses remain to be examined. The material witnesses i.e. PW-6 Arvind had not lent any support to the case of the prosecution. It is, further not out of place to mention here that the case of the petitioner is at par with co-accused Neeraj @ Golu who had already been granted concession of bail vide order dated 07.03.2024 (supra). The petitioners are in custody since 28.06.2022 and criminal liability if any, of the petitioner will be determined after conclusion of trial. Keeping in view all the above facts and circumstances, it is observed that no purpose would be



served by detaining the petitioners any longer in custody.

7. Resultantly, without commenting on the merits of the case, both the present petitions are allowed. The petitioners are ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the county without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

8. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

9. Photo-copy of this order be placed on the connected file.

(SANJIV BERRY)
JUDGE

11.02.2025
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |