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2025:PHHC:171293



218 (1st case)
**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

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Pardeep @ Turi @ Tuli
.....Appellant
versus
State of Haryana and another
.....Respondents

Date of decision: December 09, 2025
Date of Uploading: December 10, 2025

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Ms. Gagandeep Kaur, Advocate for the appellant.
Ms. Priyanka Sadar Thakur, Senior DAG Haryana.
None for respondent No.2.

SUMEET GOEL, J. (ORAL)

Present appeal has been filed under Section 14-A of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 (for short 'SC/ST Act') for grant of regular bail to the appellant in case bearing FIR No.0289 dated 04.11.2021, registered for the offences punishable under Sections 120-B, 148, 149, 302 & 201 of the Indian Penal Code, 1860 (for short 'IPC'), Section 25 of the Arms Act, 1959 (for short 'Arms Act') (Section 3 of the SC/ST Act added later on), at Police Station City Kosli, District Rewari.

2. The gravamen of the allegations against the appellant is that on 04.11.2021, complainant, namely, Sushma Devi, wife of Ashok Kumar, reported that she is a homemaker and that her son, namely, Yashdev @ Ishu, along with his friend-Akshay @ Badshah (son of Anup, resident of Bhakli),

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had gone to the Kosli market for Diwali shopping in their Creta car bearing registration No.HR-10-AE-5358. While they were returning and sitting in the car, 5–7 unidentified persons opened indiscriminate fire on them. Subsequently, Kapil, Aman, and Sunil @ DC Bhakli transported both injured persons to Pushpanjali Hospital in the same vehicle, where doctors declared them dead. The complainant further stated that on 25.08.2021, Yashdev @ Ishu had previously been attacked with indiscriminate firing near Bhupender's office while he was on his way home. He escaped that incident, and the police recovered empty cartridges, a pistol, and live rounds from the spot, registering FIR No. 219. In that case, Himanshu @ Karnel and three others were arrested, who were also involved in other criminal incidents in Kosli. It is alleged that Virender @ Karnel had threatened that since his son had been sent to jail, he would ensure Yashdev @ Ishu was killed before his son's return. According to the complainant, individuals such as Bhakli's Fauji Jokhi, Parvez Dhaniya, Deepak Amboli, Daku Salhawas, and Golu @ Sachin—residents of Railway Station Kosli—have formed a gang headed by Parveen Panghal and Virender @ Karnel, who are involved in the liquor business. She also alleged that the widow sister-in-law (saali) of Virender @ Karnel, resident of Bhakli, is involved in their activities. The complainant suspects that these individuals are responsible for the murder of her son, Yashdev @ Ishu, and Akshay @ Badshah.

3. Learned counsel for the appellant has iterated that the appellant was arrested on 17.11.2021. Learned counsel has further iterated that the appellant has been falsely implicated into the FIR in question. Learned counsel has argued that there is long list of 40 witnesses, out of which only 14 have been examined till date. Learned counsel has further argued that the

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FIR-complainant, namely, Sushma Devi has already been recorded as a prosecution witness. Learned counsel has further argued that the appellant is not named in the FIR. Learned counsel has iterated that the appellant has been involved primarily on the basis of a disclosure of co-accused, namely, Parveen @ Panghal, who has already been extended concession of regular bail, by this Court, vide order dated 24.04.2025 passed in CRA-S-3363-2025. Learned counsel has further iterated that two private prosecution witnesses, namely, parents of the deceased-Akshay @ Badshah are yet to be examined, but they are not the eye witnesses to the offence in question. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present appeal by arguing that the allegations raised against the appellant are serious in nature. Learned State counsel further iterated that on the basis of disclosure statement of one Parveen @ Panghal (co-accused), a fire arm was recovered from the appellant and the ballistic report thereof does indicate that the said weapon was used in the murder. Learned State counsel has further argued that two private witnesses namely parents of deceased-Akshay @ Badshah are yet to be examined as a prosecution witness. Learned State counsel has, accordingly, argued that there are other FIR(s) against the appellant and, thus, the appellant ought not be extended the concession of regular bail. Learned State counsel seeks to place on record custody certificate dated 04.12.2025 and the compliance report by way of an affidavit dated 08.12.2025 of Pawan Kumar, HPS, Deputy Superintendent of Police, Traffic, District Rewari, in the Court today, which are taken on record. Relevant of the said compliance report reads thus:

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“3. That in compliance of The Order Dated 27.11.2025 passed by THE HON'BLE COURT, the investigation agency had duly informed respondent number 2 Sushma mother of deceased Ishu and Anup Singh father of deceased Akshay @ Badshah vide issuing Notice dated 02.12.2025 in this regard and informed them that the present petition above-mentioned is fixed for 09.12.2025 before The Hon'ble High Court. That the true translation of the Notices issued to Sushma Devi and Anup Singh are attached as Annexures R-1 and R-2.”

4.1. None appears on behalf of respondent No.2, despite having been informed by the concerned Station House Officer about pendency of the present appeal, in compliance to the order dated 27.11.2025 passed by this Court, as stated in the aforesaid compliance report.

5. I have heard counsel for the rival parties and have gone through the available records of the case.

6. The appellant was arrested on 17.11.2021 and is in continuous custody since then. After culmination of investigation challan was presented on 13.11.2022 wherein 40 prosecution witnesses have been cited. It is not in dispute that only 14 prosecution witnesses have been examined. It is not in dispute that the conclusion of trial will take long time.

6.1. At this juncture, it would be apposite to refer herein a judgment of the Hon'ble Supreme Court in ***Javed Gulam Nabi Shaikh vs. State of Maharashtra and anothers, 2024(3) RCR (Criminal) 494***, which reads thus:

“18. Criminals are not born out but made. The human potential in everyone is good and so, never write off any criminal as beyond redemption. This humanist fundamental is often missed when dealing with delinquents, juvenile and adult. Indeed, every saint has a past and every sinner a future. When a crime is committed, a variety of factors is responsible for making the offender commit the crime. Those factors may be social and economic, may be, the result of value erosion or parental neglect; may be, because of the stress of circumstances, or the manifestation of temptations in a milieu of affluence contrasted with indigence or other privations.

19. If the State or any prosecuting agency including the court concerned has no wherewithal to provide or protect the fundamental right of an accused to have a speedy trial as enshrined under Article 21 of the Constitution then the State or any other prosecuting agency should not oppose the plea for bail on the ground that the crime committed is serious.

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Article 21 of the Constitution applies irrespective of the nature of the crime.

20. We may hasten to add that the petitioner is still an accused; not a convict. The over-arching postulate of criminal jurisprudence that an accused is presumed to be innocent until proven guilty cannot be brushed aside lightly, howsoever stringent the penal law may be.

21. We are convinced that the manner in which the prosecuting agency as well as the Court have proceeded, the right of the accused to have a speedy trial could be said to have been infringed thereby violating Article 21 of the Constitution.”

The rival contentions raised at Bar give rise to debatable issues, which shall be ratiocinated upon during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the appellant absconding from the process of justice or interfering with the prosecution evidence.

7. As per custody certificate dated 04.12.2025 filed by learned State counsel, the appellant has already suffered incarceration for a period of 04 years & 13 days. Further, as per the said custody certificate, the appellant is stated to be involved in other FIR(s). However, this factum cannot be a ground sufficient by itself, to decline the concession of regular bail to the appellant in the FIR in question when a case is made out for grant of regular bail *qua* the FIR in question by ratiocinating upon the facts/circumstances of the said FIR. Reliance in this regard can be placed upon the judgment of the Hon’ble Supreme Court in *Maulana Mohd. Amir Rashadi v. State of U.P. and another*, 2012 (1) RCR (Criminal) 586; a Division Bench judgment of the Hon’ble Calcutta High Court in case of *Sridhar Das v. State*, 1998 (2) RCR (Criminal) 477 & judgments of this Court in CRM-M No.38822-2022 titled as *Akhilesh Singh v. State of Haryana*, decided on 29.11.2021, and *Balraj v. State of Haryana*, 1998 (3) RCR (Criminal) 191.

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Suffice to say, further detention of the appellant as an undertrial is not warranted in the facts and circumstances of the case.

8. In view of above, the present appeal is allowed. Appellant is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the appellant shall remain bound by the following conditions:

- (i) The appellant shall not mis-use the liberty granted.
- (ii) The appellant shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The appellant shall not absent himself on any date before the trial.
- (iv) The appellant shall not commit any offence while on bail.
- (v) The appellant shall deposit his passport, if any, with the trial Court.
- (vi) The appellant shall give his cellphone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaqa Magistrate.
- (vii) The appellant shall not in any manner try to delay the trial.

9. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the appellant.

10. Ordered accordingly.

11. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

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12. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

December 09, 2025
mahavir
Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No