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

**CRM-M No.32570 of 2025
Date of Decision: 07.07.2025**

Harender Pahil @ Harru

.....Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Rahul Bhargava, Advocate and
Mr. Prikshit Thakur, Advocate
for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

Mr. Ravi Malik, Advocate
for the complainant.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed praying for the grant of regular bail to the petitioner in case bearing FIR No.34, dated 17.02.2024, under Sections 148, 149, 323, 302, 341, 365, 120-B of IPC, 1860 and Section 25 of Arms Act, registered at Police Station Sadar Palwal, District Palwal (Annexure P-1).

2. Succinctly the facts of the case are that FIR in the present case was got registered on the statement of complainant, namely, Rakesh. It was alleged that on 16.02.2024, his nephew, namely, Jugendra (deceased) had



gone to attend a wedding. It was further alleged that when he was returning to his village Ghughera on motorcycle, he was waylaid by Vishnu and others. He was given severe injuries by all those 08-10 persons. After beating him mercilessly, the accused, namely, Vishnu and others called Sandeep and told that they had killed Jugendra, whose body was lying in the forest of Kairaka and told him to collect his dead body. On receiving the information, the family of the complainant reached to the Kairaka forest where they found Jugendra in a severe injured condition. He had multiple injuries on his body and was conscious. He was shifted by them to the Government Hospital, Palwal. While shifting him to the hospital, Jugendra confirmed about the injuries having been given by the assailants as mentioned above. Jugendra succumbed to his injuries in Safdarjung Hospital. The request was made to take the legal action against the culprits. On registration of the FIR, the investigation commenced. During the investigation, the disclosure statements of co-accused were recorded, who named the petitioner, i.e. Harender Pahil @ Harru as well as one of the accused and thus, he was also arrayed as an accused in the present case. The petitioner was arrested on 21.02.2024. The petitioner approached the Court of learned Additional District & Sessions Judge, Palwal praying for the grant of bail. However, after hearing both the sides finding no merit in the same, the learned Additional District & Sessions Judge, Palwal declined the petition filed by the petitioner vide order dated 15.05.2025. Hence being aggrieved, the petitioner is before this Court by way of filing the present petition praying for the grant of regular bail.

3. Learned counsel for the petitioner has vehemently contended



that the petitioner has been falsely and frivolously implicated in the present case. He has submitted that from the perusal of the case of prosecution, it is apparent that there is no whisper regarding the petitioner in the FIR registered by the complainant. He has submitted that during the investigation, the petitioner was arrayed as an accused on the basis of disclosure statement of co-accused. He has further submitted that as per the case of prosecution, the deceased was alive when the complainant shifted him to the hospital but the petitioner was not even named by the deceased at the time of shifting to the hospital. To buttress his arguments, learned counsel for the petitioner has submitted that the complainant, namely, Rakesh has been examined before the learned trial Court as PW-1 and during his cross-examination, he has specifically deposed that he was very well acquainted with the family of the petitioner, Harender Pahil @ Haru and the deceased never disclosed the name of petitioner, i.e. Harender Pahil @ Haru, Deepak and Sagar as the assailants. He has thus submitted that false implication of the petitioner in the light of attending facts and circumstances is writ large. He has submitted that the material witnesses already stand examined and thus the petitioner deserves to be granted bail.

4. Learned counsel for the complainant however has opposed the submissions made by counsel for the petitioner. He has submitted that the petitioner was along with the co-accused as one of the assailants, who has taken an active part in committing the murder of deceased, Jugendra. He has thus submitted that deposition of the complainant cannot be relied upon at this stage and thus, no case is made out for the grant of regular



bail to the petitioner.

5. Per contra, learned counsel for the State has opposed the submissions made by learned counsel for the petitioner. He, on instructions, has submitted that during the investigation, the car used in the crime was recovered from the petitioner. However he has submitted that the complainant and the father of deceased have already been examined. He has produced custody certificate of the petitioner today in the Court and the same is taken on record. He, on instructions has submitted that out of 35 prosecution witnesses, only 02 have been examined so far.

6. Heard.

7. After hearing learned counsel for the parties and perusing the record, it is deciphered that the complainant in the present case has named about 10 accused, out of which the petitioner has not been named as the assailant. The complicity of the petitioner has surfaced in the present case during the investigation on the disclosure statement of co-accused. The complainant has been examined by the learned trial Court as PW-1. The deposition has been placed on record by learned counsel for the petitioner. The cross examination of the complainant has been perused. Custody certificate produced would show that the petitioner has suffered incarceration of 01 year, 04 months and 13 days as on 04.07.2025. It further reflects that the petitioner has no criminal antecedents. Out of 35, 02 prosecution witnesses have been examined.

8. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by



both the parties before the trial Court.

9. This Court would refrain itself from commenting anything on the merits of the case. Keeping in view the arguments raised by both the sides and perusing the record, the Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for the grant of bail. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on her furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

07.07.2025

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Whether speaking/reasoned

Whether reportable

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**(RAJESH BHARDWAJ)
JUDGE**

Yes/No

Yes/No