

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

**Criminal Misc. No. M-26057 of 2018
Date of decision: 23.08.2018**

Pankaj @ Pankha

..Petitioner

Versus

State of Haryana`

..Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Mr. Parminder Singh, Advocate
for the petitioner.

Mr. Manish Dadwal, AAG, Haryana
for the respondent -State.

Daya Chaudhary, J. (Oral)

The present petition has been filed by the petitioner, namely, Pankaj @ Pankha, under Section 439 Cr.P.C. for grant of regular bail in case FIR No.475 dated 12.06.2016 registered under Section 302 read with Section 34 IPC and Section 25 of the Arms Act at Police Station Sadar Karnal, District Karnal.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the case whereas he was not involved. No overt act has been attributed to him. The petitioner has been implicated in the case only because of motorcycle, which has been alleged to be used by the co-accused in commission of offence whereas the motorcycle was not recovered from the place of occurrence and the same has been recovered subsequently during investigation. Learned counsel further submits that the name of the petitioner was not mentioned in the FIR and only on the basis

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case. In the FIR, the petitioner has been shown to be the other person along with main accused. Learned counsel also submits that the co-accused of the petitioner, namely, Mannu @ Golu, has approached this Court by way of filing Criminal Misc. No. M-3526 of 2017, which has been allowed and he has been released on regular bail vide order dated 01.03.2017. The petitioner is in custody for the last more than 2 years and 2 months and nothing is to be recovered from him. All material witnesses have been examined and there is no possibility that the petitioner may influence the witnesses. The trial may take time to conclude and no purpose would be served by keeping the petitioner in custody. The petitioner is also ready to abide by all terms and conditions to be imposed by this Court or by the trial Court.

Learned State counsel has not disputed the custody period as well as release of co-accused on regular bail by this Court but opposed grant of regular bail to the petitioner keeping in view the seriousness of offence.

Heard arguments of learned counsel for the petitioner as well as learned State counsel and have also perused the contents of the FIR and other documents available on the file.

In view of the submissions made by learned counsel for the petitioner and by considering that no specific role has been attributed to the petitioner; the fact that the petitioner has been implicated in the case because of his motorcycle, which was not recovered from the place of occurrence but has been recovered subsequently during investigation; the petitioner is in custody for the last more than 2 years and 2 months; his co-accused, namely, Mannu @ Gollu, has been released on regular bail by

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this Court vide order dated 01.03.2017; the trial may take time to conclude; no purpose would be served by keeping the petitioner in custody and all material witnesses have been examined and there is no possibility that the petitioner may influence the witnesses or tamper with the evidence, the present petition is allowed and the petitioner (Pankaj @ Pankha) is directed to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court.

23.08.2018
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(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	No