

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-3707-2021 (O&M)
Date of Decision:- 26.2.2021

Balkar Singh

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. D.S.Virk, Advocate, for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana,
assisted by ASI Deepak.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in a case registered vide FIR No.83 dated 23.2.2020 at Police Station City Mandi Dabwali, Sirsa, District Sirsa under Sections 341, 342, 392, 395, 397, 420, 467, 468, 471, 201 & 120-B of Indian Penal Code and Section 25 of Arms Act.
2. The FIR in question was lodged at the instance of Kashmir Singh wherein it has been alleged that he drives truck bearing registration No.RJ-19-GE3134 which belongs to Sonu. On 22.2.2020, he had

started from Rama Refinery, Dabwali and was proceeding towards Sirsa after loading plastic seeds in his truck, however, when he reached a little ahead of Dera Canteen, Dabwali a vehicle looking like Innova came in front of the truck and 4 persons alighted from the same and while one sat in the truck, the other 3 persons made him sit in their car. The person who sat in his truck drove away his truck while he was kept confined for about 45 minutes and thereafter he was left on the road after tying his mouth and hand. It is further the case of prosecution that subsequently the complainant got a supplementary statement recorded to the effect that he suspected that the vehicle used for commission of crime was Xylo bearing registration No.PB-02-BU-1757.

3. It has been submitted by learned counsel for the petitioner that he is nowhere named in the FIR and has been nominated as an accused subsequently on the basis of a disclosure statement allegedly made by the petitioner himself when he came to be arrested during the course of *nakabandi* held by the police on 13.3.2020. It has further been submitted that since identically situated co-accused Angrej Singh and Harpal Singh have already been granted bail, the petitioner also deserves the concession of bail.
4. Opposing the petition, learned State counsel has submitted that since the petitioner is a habitual offender having been involved in one more case, no case for grant of bail is made out. It has however, been informed that the petitioner as on date has been behind bars since the

last about 11 months and that challan already stands presented in the instant case.

5. I have considered rival submissions addressed before this Court.
6. It is not in dispute that the petitioner is nowhere named in the FIR and was nominated as accused subsequently when he along with other co-accused was arrested during the course of nakabandi wherein the accused was alleged to have confessed regarding involvement in the instant case. The admissibility of such like disclosure statement would be debatable. In any case, since the petitioner has been behind bars since the last about 11 months and identically situated co-accused have already been granted bail, the petitioner also deserves the same concession on the grounds of parity particularly since conclusion of trial is likely to consume time. The petition, as such, is accepted and the petitioner is ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

February 26, 2021
mohan

(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No