

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

222

CRM-M-42327-2021

Date of Decision : October 13, 2021

ANIL ALIAS DARA

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. Vikas Bishnoi, Advocate
for the petitioner.

Mr. Ranvir Singh Arya, Addl. Advocate General, Haryana.

JASGURPREET SINGH PURI. J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.365 dated 24.10.2020 under Sections 147, 148, 149, 323, 379-B IPC and during investigation Section 379-B IPC has been deleted and Sections 302 and 427 IPC and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act has been added, Police Station Siwani, District Bhiwani.

The learned counsel for the petitioner has submitted that the petitioner was not named in the FIR and infact the other co-accused was named in the FIR and the deceased who was himself the complainant had named the other co-accused for causing injuries to him alongwith 2-3 persons but the complainant never named the petitioner. He further submitted that the complainant-deceased after receiving the injuries died after six days and even during that time also, he did not name the

petitioner and so far as the petitioner is concerned he was nominated only on the basis of the disclosure statement of the other co-accused, namely, Rahul @ Bachi and such disclosure statement was not admissible in evidence. He has submitted that the petitioner is in custody since 14.6.2021 which is almost four months and the petitioner is not involved in any other case and has got clean antecedents. He has further submitted that other similarly situated co-accused, namely, Kuldeep has already been granted bail vide CRM-M-27095 of 2021 vide Annexure P-2 dated 20.7.2021.

Mr. Arya, learned Addl. A.G., Haryana has submitted that it is correct that the petitioner is in custody since 14.6.2021 and it is also correct that the petitioner is at parity with the other co-accused, namely, Kuldeep.

Therefore, considering the totality of the circumstances of the present case, I deem it fit and proper to grant bail to the petitioner.

Consequently, the present petition is allowed. The petitioner is ordered to be released on bail on furnishing of bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/Duty Magistrate.

(JASGURPREET SINGH PURI)
JUDGE

October 13, 2021
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Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No