

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

**CRM-M-16754-2022
Date of Decision: 29.04.2022**

Pankaj @ Tahalka

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Sandeep Kumar Yadav, Advocate,
for the petitioner.

Mr. Narender Singh Behgal, AAG, Haryana.

Mr. Rohit Mittal, Advocate,
for the complainant.

HARSIMRAN SINGH SETHI J. (ORAL)

The petitioner is seeking regular bail in FIR No.197, dated 17.06.2021, under Sections 148, 149, 323, 325 and 506 of the IPC (Section 307 of IPC added later on), registered at Police Station Sadar Narnaul, District Mahendergarh.

Learned counsel for the petitioner argues that in the present case, the petitioner was not even named in the FIR and he has been roped in this case only on the basis of the disclosure statement of co-accused, namely Kapil @ Bittu. Learned counsel for the petitioner submits that no grievous or life threatening injury has been attributed to the petitioner. Learned

counsel further submits that a similarly situated co-accused, namely Sumer

Singh, has already been extended the concession of regular bail by a co-ordinate Bench of this Court, while passing order dated 21.03.2022 in CRM-M-50155-2021, and therefore, the petitioner may kindly be extended the concession of regular bail on the ground of parity with the co-accused, namely Sumer Singh.

Learned State counsel concedes the factum that the allegations alleged against the present petitioner and said co-accused, namely Sumer Singh, who has already been extended the concession of regular bail by a co-ordinate Bench of this Court, while passing order dated 21.03.2022 in CRM-M-50155-2021, are similar in nature. Learned State counsel further submits that though the petitioner has not inflicted any grievous or life threatening injury upon the victim but he was named by the co-accused, namely Kapil @ Bittu, in his disclosure statement, and a *danda* was also recovered from his possession.

Learned counsel appearing for the complainant submits that though the petitioner has not inflicted any grievous or life threatening injury upon the victim but he was along with the other co-accused persons, who have inflicted life threatening injuries to the victim, and therefore, prayer of the petitioner for the grant of regular bail may kindly be declined. Though, learned counsel for the complainant further concedes the factum that the allegations alleged against the petitioner and the co-accused, namely Sumer Singh, who has already been extended the concession of regular bail by a co-ordinate Bench of this Court, are similar in nature.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Once, it is a conceded fact that the petitioner was not named in

the FIR and he has been roped in the present case only on the basis of disclosure statement of co-accused, namely Kapil @ Bittu, which statement is yet to be proved during the trial, coupled with the fact that a similarly situated co-accused, namely Sumer Singh, has already been extended the concession of regular bail by the co-ordinate Bench, while passing order dated 21.03.2022 in CRM-M-50155-2021, the petitioner has made out a case for the grant of regular bail on the ground of parity as well as for the reason that the trial is likely to take some time before it concludes and no useful purpose will be achieved in keeping the petitioner behind the bars during the entire period of trial, especially in view of the fact that learned counsel for the petitioner has undertaken before this Court that in case the petitioner is extended the concession of regular bail, he will maintain good conduct and will not influence the trial or any witnesses in any manner.

In view of the above and without commenting upon the merits of the case, it is directed that the petitioner be released on regular bail, subject to the satisfaction of the trial Court/Duty Magistrate concerned.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

29.04.2022*Apurva***(HARSIMRAN SINGH SETHI)
JUDGE**

1. Whether speaking/reasoned : Yes

2. Whether reportable : Yes