

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

(206)

CRM No. M-24909-2022(O&M)

Date of Decision : 04.07.2022

Amit Khatana

....Petitioner

Versus

State of Haryana

.....Respondent

***CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI***

Present:- Mr. Rao Ajender Singh, Advocate for the petitioner.

Mr. Narinder Singh Behgal, Assistant Advocate General,  
Haryana.

Mr. Prashant Singh Chauhan, Advocate for the complainant.

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**Harsimran Singh Sethi, J. (Oral)**

**CRM-20922-2022**

Application is allowed, as prayed for.

**CRM-M-24909-2022**

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in FIR No. 163 dated 25.05.2019, registered under Sections 148, 149, 302, 307 IPC and Section 25 of Arms Act, 1959 at Police Station Rewari City, District Rewari.

Learned counsel for the petitioner argues that the petitioner was not named in the FIR but has been roped in on the basis of disclosure statement of co-accused, namely, Dharambir. Learned counsel for the petitioner submits that even in the disclosure statement, no weapon has been

attributed to the petitioner and only allegation of inflicting fist blow upon

the victim has been alleged. Learned counsel submits that the co-accused, namely, Dharambir, on whose disclosure statement the petitioner has been roped in, has already been granted the concession of regular bail by a Co-ordinate Bench of this Court while passing order in CRM No. M-42508 of 2019 and, therefore, petitioner be also granted the concession of regular bail, especially when, the investigation is already over and the challan has already been presented by the police and the trial is likely to take some time before it concludes.

Notice of motion.

Mr. Narinder Singh Behgal, learned Assistant Advocate General, Haryana, who is present in Court, accepts notice on behalf of the respondent-State.

Mr. Prashant Singh Chauhan, Advocate appears on behalf of the complainant.

Learned State counsel concedes the fact that the petitioner was not named in the FIR but was roped in the present case only on the basis of disclosure statement of co-accused, namely, Dharambir, which accused has already been extended the concession of regular bail and the challan has already been presented by the police, wherein also, no specific role has been attributed to the petitioner.

Learned counsel appearing on behalf of the complainant submits that the petitioner was present at the spot at the time of the incident and, therefore, keeping in view the said fact, the prayer of the petitioner for the grant of regular bail may kindly be declined.

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

In the present case, the investigation is already over and the petitioner, who was not named in the FIR and was only roped in on the basis of disclosure statement of co-accused, namely, Dharambir, has not been attributed any specific weapon or injury upon the victim even in the challan.

This Court is not opining on the merits of the case as of now but as the co-accused Dharambir, on whose disclosure statement, the petitioner was roped in, has already been extended the concession of regular bail by the Co-ordinate Bench while passing order in CRM No. M-42508 of 2019 and the trial is likely to take some time before it concludes, no useful purpose will be achieved keeping the petitioner behind the bars during the entire period of trial, especially, when learned counsel for the petitioner has undertaken before this Court that the petitioner will not influence the trial or the witnesses in any manner and will maintain good conduct, if he is granted the concession of regular bail. In case of default of the undertaking, the State will be at liberty to approach this Court for passing appropriate orders.

The petitioner is directed to be released on regular bail in this case 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.

**July 04, 2022**  
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**( HARSIMRAN SINGH SETHI )**  
**JUDGE**

|                                   |               |
|-----------------------------------|---------------|
|                                   | √             |
| <i>Whether reasoned/speaking?</i> | <i>Yes/No</i> |
|                                   | √             |
| <i>Whether reportable?</i>        | <i>Yes/No</i> |