

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

(213)

CRM No. M-19603 of 2023
Date of Decision : 14.07.2023

Sanjay Kumar alias Totiya**....Petitioner****Versus****State of Haryana****.....Respondent*****CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI***

Present:- Mr. Kushager Goyal, Advocate for the petitioner.

Ms. Gaganpreet Kaur, Deputy Advocate General, Haryana.

Harsimran Singh Sethi, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in FIR No. 252 dated 21.07.2020, registered under Sections 302, 120-B, 34 IPC and Section 25 of Arms Act, 1959 at Police Station Dabwali, District Sirsa.

Learned counsel for the petitioner submits that petitioner was not named in the FIR but was roped in only on the basis of disclosure statement of one of the co-accused, namely, Suresh Kumar @ Angrej and the allegation alleged is only with regard to the harbouring of the other accused. Learned counsel for the petitioner argues that a Co-ordinate Bench of this Court while passing order on 21.02.2022 in CRM No. M-21717 of 2021 titled as ***Suresh Kumar alias Angrej and others Vs. State of Haryana***, has already granted the concession of regular bail to co-accused Suresh Kumar alias Angrej, who is also facing same allegations, hence, on the basis of the parity, petitioner is also entitled for the same benefit.

Learned State counsel on instructions from HC Dalip Singh concedes the factum that the petitioner was not named in the FIR and was roped in on the basis of the disclosure statement of co-accused, namely, Suresh Kumar @ Angrej and the co-ordinate bench of this Court had already granted the regular bail to Suresh Kumar @ Angrej. Learned State counsel submits that the antecedents of the petitioner are different than Suresh Kumar @ Angrej as Suresh Kumar @ Angrej is facing only one more case, whereas there are more than one case pending against the present petitioner.

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

It is a conceded fact that the petitioner was roped in the present case only on the basis of the disclosure statement of a co-accused, namely, Suresh Kumar @ Angrej. The allegation alleged against the petitioner is of harbouring the accused, which allegation was also alleged against the co-accused, namely, Suresh Kumar @ Angrej. Learned counsel for the petitioner has not disputed that the allegations alleged in the present FIR against the present petitioner as well as co-accused, namely, Suresh Kumar @ Angrej are same. Once, the allegations against two accused are similar, they are to be treated in a same manner.

The only objection, which is being raised by the learned State counsel to differentiate the case of co-accused Suresh Kumar @ Angrej with that of the petitioner is that Suresh Kumar @ Angrej was facing only one more case, whereas number of cases being faced by the petitioner is more than one and has also been convicted in some of the cases. The said differentiation will not make much of the difference as the role attributed to the petitioner in the present case is to be seen, which is similar to the other

co-accused, namely, Suresh Kumar @ Angrej, on whose disclosure statement the petitioner was roped in

Keeping in view the facts and circumstances of the present case, where the petitioner has only been roped in on the basis of the disclosure statement of other co-accused and similarly situated co-accused has already been extended the concession of regular bail, no useful purpose will be achieved in 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 in any manner and will maintain good conduct, if he is granted bail.

It is made clear that in case, any fact comes to the notice of the State with regard to the violation of the said undertaking, the State will be within its jurisdiction to file appropriate application along with the cogent facts for re-consideration of the present order.

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 14, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? *Yes/No*
Whether reportable? *Yes/No*