

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

(205)

CRM-M-41201-2023

Date of Decision : August 25, 2023

Deepak

.. Petitioner

Versus

State of Haryana

.. Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Anil Kumar Malik, Advocate, for the petitioner.

Mr. Harish Rathee, Sr. Deputy Advocate General, Haryana.

HARSIMRAN SINGH SETHI J. (ORAL)

1. Present petition has been filed under Section 439 Cr.P.C for the grant of regular bail to the petitioner in respect of FIR No.206 dated 08.07.2021 registered under Sections 148, 149, 302 and 201 of the IPC, 1860 at Police Station Ganaur, District Sonapat.

2. Learned counsel for the petitioner submits that the petitioner has not been named in the FIR but was roped in the present case only on the basis of the disclosure statement of co-accused Jony. Learned counsel for the petitioner further submits that not only the petitioner was roped in the present case on the basis of the disclosure statement of co-accused Jony but another two co-accused Karamveer and Kuldeep were also nominated on the basis of the disclosure statement.

3. Learned counsel for the petitioner further submits that no injury has been attributed to the petitioner and as the petitioner is similarly situated as the other two co-accused and the co-accused Karamveer has already been extended the benefit of regular bail by the Coordinate Bench of this Court while passing order in CRM-M-773-2023 on 16.05.2023 and co-accused

Kuldeep has also been extended the benefit of bail by another Coordinate Bench of this Court while passing order in CRM-M-38939-2023 on 17.08.2023, hence, as the petitioner is similarly situated as above mentioned two co-accused, he may kindly be extended the benefit of regular bail.

4. Notice of motion.

5. Mr. Harish Rathee, learned Sr. Deputy Advocate General, Haryana, accepts notice on behalf of the respondent-State.

6. Learned State counsel submits that in the present case, a human being lost his life and serious allegations have been made against the accused. Learned State counsel concedes the factum that co-accused Karamveer and Kuldeep have been granted the concession of regular bail by the Coordinate Bench of this Court.

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

8. The petitioner is behind the bars for the last 1 year and 10 months. It is a conceded position that the petitioner was not named in the FIR but has been roped in the present case on the basis of the disclosure statement of co-accused Jony. Further, other two co-accused namely Karamveer and Kuldeep, who were also involved in the present case on the basis of the disclosure statement of co-accused Jony, have already been extended the concession of regular bail by this Court on the ground that their name did not find mentioned in the FIR and the allegations made against them in the disclosure statement are yet to be proved during the trial coupled with the fact that no injury has been attributed to them.

9. Learned State counsel has not been able to point out any distinguishing fact between the petitioner and the co-accused Karamveer and Kuleep, who have already been granted the concession of regular bail

so as to deny the petitioner the said benefit.

10. Keeping in view the order passed by the Coordinate Bench of this Court, a reason given for extending the concession of regular bail to co-accused Karamveer and Kuldeep is that they were nominated on the basis of disclosure statement of another co-accused and no injury has been attributed to them and the trial is not likely to conclude in near future keeping in view the status of the same.

11. All the reasons which have been given by the Coordinate Bench of this Court while extending the concession of regular bail to the co-accused Karamveer and Kuldeep also exist in the present case as the petitioner is also roped in the present case only on the basis of the disclosure statement of co-accused Jony and no injury has been attributed to him, hence, on the ground of parity, the petitioner has made out a case for the grant of regular bail especially when learned counsel for the petitioner has undertaken before this Court in case the petitioner is granted the benefit of regular bail, he will not influence the trial or the witnesses in any manner and in case of default of the above undertaking, State will be at liberty to approach this Court for passing appropriate orders.

10. 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.

11. 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.

August 25, 2023
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No