



CRM-M-21493-2024

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

CRM-M-21493-2024

Date of Decision: 23.07.2024

Aniket @ Mulla

..... Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr.Jarnail Singh Saneta, Advocate, for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

Rajesh Bhardwaj, J. (ORAL)

1. Prayer in the present petition is for grant of regular bail to the petitioner in a case FIR No.379 dated 13.05.2022, registered under Sections 148, 149, 323, 324, 506 IPC (offence under Section 326 and 201 IPC added lateron), at Police Station Samalkha, District Panipat.

2. Succinctly, facts of the case are that Police recorded a joint statement of Sandeep son of Sukhbir and Jatin son of Subhash, wherein it was alleged that on 12.05.2022 when they went for repair of their motorcycle near Golden Park, then they were suddenly attacked by Aman Kashyap, Nitin, Prashant, Pravesh Patil, Deepak Patil and 10-20 their companions, who were armed with knives, iron rods and sticks. They caused injuries to the complainant side and was extending threatening. The injured were taken to Government Hospital, Samalkha, however, finding the injuries serious, they were referred to Civil Hospital, Panipat. On the basis of the statement, the FIR was registered and the investigation commenced. During the investigation, disclosure statement of one co-accused Pardeep @ Mona was recorded, who disclosed about the petitioner for his involvement in the present case. Thus, the petitioner was also arrayed as an accused. However, the Investigating Agency failed to arrest the petitioner and thus,



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he was declared proclaimed offender on 25.10.2023. Thereafter, the petitioner was arrested on 09.12.2023 and since then he is behind the bars. He approached the Court of learned Additional Sessions Judge, Panipat praying for grant of regular bail, however, after hearing both the sides, the Court declined the same vide order dated 06.02.2024. Hence, the petitioner has approached this Court by way of the present petition praying for the grant of regular bail.

3. Learned counsel for the petitioner has vehemently submitted that neither the petitioner is named in the FIR nor any attribution alleged to him as per the allegations in the FIR. However, during the investigation, the petitioner is named in the FIR on the basis of the disclosure statement of co-accused Pardeep @ Mona. He submits that even otherwise disclosure statement of the co-accused is not an admissible evidence. He further submits that though the petitioner was declared proclaimed offender, however, since the date of his arrest, he is behind bars. It is submitted that the petitioner though the petitioner faced prosecution in another FIR as well, however, he is on bail in the same. It is submitted that co-accused are already on bail and thus, the petitioner deserves to be granted bail.

4. Per contra, learned State counsel has opposed the submissions made by counsel for the petitioner. He has submitted that on the disclosure statement of the co-accused, namely, Pardeep @ Mona, the petitioner was named in the FIR, who disclosed that the petitioner gave knife blow to Ankit. He submits that it came during the investigation that the petitioner has destroyed weapon of offence and thus, offence under Section 201 IPC is also added against the petitioner. He has submitted that in all there are eight accused, out of which six accused are on bail. He submits that the



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investigation is complete and charges are framed. He further submits that out of total 20 prosecution witnesses, none has been examined as on date. On instructions from SI Shri Krishan, he has submitted that the petitioner is involved in one more case, however, he is on bail in the same.

5. Heard.

6. After hearing learned counsel for the parties and perusing the record, it is apparent that the name of the petitioner has been surfaced in the present case on the basis of the disclosure statement of co-accused. Out of total eight accused, six accused are on bail. The custody certificate has been placed on record showing that the petitioner is behind bars from the last more than seven months. It further reflects that the petitioner is on bail in other case as mentioned in the custody certificate.

7. This Court would refrain itself from commenting anything on the merits of the case. However, considering the prayer for grant of bail to the petitioner, this Court is of the view that learned counsel for the petitioner has been able to make out a case for grant of regular bail to the petitioner.

8. Considering that the trial would take sufficient long time in its conclusion, the present petition is allowed and the petitioner is ordered to be released on bail to the satisfaction of the concerned trial Court/Duty Magistrate.

9. Nothing said herein shall be construed as an expression of opinion on the merits of the case.

23.07.2024
sharmila

Whether Speaking/Reasoned
Whether Reportable

(RAJESH BHARDWAJ)
JUDGE

: Yes/No
: Yes/No