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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRA-S-2524-2024(O&M)
Date of decision: 01.04.2025

PARDEEP KUMAR ALIAS PARDEEP ALIAS PITTER

....Appellant.

Versus

STATE OF HARYANA AND ANR

....Respondents.

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Vikas Bishnoi Advocate, for the appellant.
Mr. Amrik Narwal, DAG, Haryana.

SANJIV BERRY, J. (ORAL)

The instant appeal has been preferred against the impugned order dated 15.07.2024, passed by learned Additional Sessions Judge Fatehabad, whereby the application of the appellant for grant of regular bail was dismissed in case as under:-

FIR No.	Dated	Sections	Police Station
216	05.10.2021	147, 148, 149, 323, 341, 427 and 506 IPC (302, 307 IPC and Section 3(2)(v) SC and ST Act added later on)	Bhattu Kalan, District Fatehabad

2. It is, *inter alia* contended by learned counsel for the appellant that the appellant is innocent and has been falsely implicated in this case.



He contends that no specific overt act or injury has been attributed to the appellant and he is in custody since 18.04.2024, and after completion of investigation, challan has already been presented in Court wherein prosecution has cited 53 witnesses but none of them have been examined till date. He contends that the co-accused of the case have already been granted concession of bail vide Annexure P-3 to P-8 and the case of the appellant is at par with Rajpal @ bittu who has been granted concession of bail vide order dated 04.09.2023 passed in CRA-S-2347-2023 (Annexure P-8). Hence, he has prayed for grant of concession of regular bail to the appellant and acceptance of the appeal.

3. *Per contra*, learned State Counsel referring to the reply submitted by the State has opposed the appeal by arguing that the appellant is alleged to have given injuries on the hands of the deceased Sunil with iron rod, as such, he is not entitled to the concession of bail. He has further contended that the appellant is having four more criminal cases registered against him wherein, he is undergoing trial, hence prayed for dismissal of the instant appeal. However, he has not disputed the fact that the allegations against the appellant are at par with those attributed to co-accused Rajpal @ Bittu who has been granted concession of bail vide order dated 04.09.2023 (Annexure P-8).

4. Heard learned counsel for the parties.

5. After considering the rival contentions and perusing the record, it transpires that so far as the pendency of other criminal cases against the appellant are concerned, that is of no consequence to the fact and



circumstances of the present case, in the light of the law laid by Hon'ble Supreme Court of India in **Prabhakar Tiwari vs. State of U.P (2020) 1 RCR (Cri.) 831**. Admittedly, no fatal injury has been attributed to the appellant and as per the allegations he is stated to have caused iron rod blow on the hand of the deceased. The appellant was not named in the FIR, which was registered on the statement of one Rajinder wherein he had named Bittu, Huda @ Rajesh and Vikram as attacking party alongwith 12-13 unidentified persons. After completion of investigation challan has already been presented in Court wherein 53 witnesses have been cited by the prosecution and till date none of them have been examined. The appellant was arrested on 18.04.2024, since then he is in custody, the trial is going on, and the conclusion to ascertain criminal liability, if any, of the appellant would be ascertained after conclusion thereof, which would take sufficient long time. This fact coupled with the fact that the case of the appellant is at par with co-accused Rajpal @ Bittu who has been granted concession of bail vide order dated 04.09.2023 (Annexure P-8), no purpose would be served by detaining the appellant in custody any longer.

6. In these circumstances, without commenting on the merits of the case, the impugned order dated 15.07.2024 passed by learned Additional Sessions Judge, Fatehabad is hereby set aside and the appeal stands allowed. The appellant is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and



every date; not to leave the country without prior permission of the Court;
and not to tamper with evidence of prosecution in any manner.

- 7. Any observation made above shall not be construed as opinion of this Court on the merits of the case.
- 8. Pending application(s) if any shall also stand disposed of.

01.04.2025
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(SANJIV BERRY)
JUDGE

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |