

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

CRM No.M-1478 of 2015

Date of Decision: 9.2.2015

Safdar

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE MEHINDER SINGH SULLAR

Present: Mr.Sarfraj Hussain, Advocate for the petitioner.

Mr.Pravindra Singh Chauhan, Addl.AG Haryana for the State.

MEHINDER SINGH SULLAR , J. (Oral)

The petitioner has preferred the instant petition for the grant of concession of regular bail, in a case registered against him along with his other co-accused, namely, Harun, Asfak and Farid etc., vide FIR No.100 dated 10.3.2014, on accusation of having committed the offences punishable under sections 279, 307, 336, 120-B, 216 read with section 34 IPC and Sections 3, 4A and 8 of The Cow Slaughter Act and Section 25 of The Arms Act , by the police of Police Station Sadar, Panipat.

2. Notice of the petition was issued to the State.
3. After hearing the learned counsel for the parties, going through the record with their valuable help and considering the entire matter deeply, to my mind, the present petition for regular bail deserves to be accepted in this context.
4. What cannot possibly be disputed here is that neither the name of petitioner nor any particular part/role is attributed to him in the FIR. He

was subsequently involved in this case, in the wake of disclosure statement of his co-accused Imran @ Kala, recorded on 19.3.2014 by the police to the effect that the petitioner was owner of the Bolero vehicle in question. Moreover, it is a no injury case. The learned State counsel, on instructions from the Investigating Officer, has submitted that there is no direct or indirect evidence on record against the petitioner, except the indicated disclosure statement of his co-accused. In that eventuality, what is the evidentiary value, acceptability and admissibility of such statement and as to whether the penal provision of section 307 IPC is attracted to the case of petitioner or not, inter-alia, would be the moot points to be decided during the course of trial after receipt of evidence of the parties by the trial Court.

5. Be that as it may, the petitioner was arrested on 14.9.2014. Since then, he is in judicial custody and no useful purpose would be served to further detain him in jail. The final conclusion of trial will naturally take a long time. Indisputably, during the course of investigation, Asfak and Farid, co-accused, whose names were specifically mentioned as accused in the FIR and were arrested at the spot, were found innocent & exonerated by the police officers, for the reasons best known to them. Sequel, Imran alias Kala, co-accused of the petitioner, has already been allowed the benefit of regular bail, by way of order dated 29.8.2014 (Annexure P1), rendered in CRM No. M-28597 of 2014 by this court. Therefore, I see no reason not to extend the same concession of regular bail to the present petitioner as well under the similar set of circumstances.

6. In the light of aforesaid reasons, taking into consideration the totality of the peculiar facts & special circumstances, emanating from the record, as depicted here-in-above and without commenting further anything

on merits, lest it may prejudice the case of either side, during the course of trial of main case, the instant petition for regular bail is accepted. The petitioner is ordered to be released on bail on his filing a specific affidavit to the effect that he will not indulge in any such illegal activities in future and on his furnishing adequate bail and surety bonds to the satisfaction of the trial Court.

7. Needless to mention that nothing observed, here-in-above, would reflect, on merits of the main case, in any manner, during the course of trial, as the same has been so recorded for a limited purpose of deciding the present petition for regular bail.

(Mehinder Singh Sullar)
Judge

9.2.2015
AS