

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

CRM No. M-21376 of 2015

Date of decision:- July 09, 2015

Baljeet

.....Petitioner..

Vs.

State of Haryana

....Respondent..

CORAM:- HON'BLE MR. JUSTICE JASPAL SINGH

Present:- Mr. R.N. Lohan, Advocate,
for the petitioner.

Mr. D.R. Singla, DAG, Haryana.

JASPAL SINGH, J.

Instant petition has been moved by Baljeet, under Section 439 of the Code of Criminal Procedure (for short, "Cr.P.C.") seeking bail, in case FIR No. 80, dated 13.03.2014, under Sections 302, 201 and 34 IPC, registered at Police Station Sadar, District Jind, during the pendency of trial

2. The contention of learned counsel for petitioner is that neither petitioner has been named in the FIR nor there is any other evidence against him, collected by investigating agency during the investigation of the case. The petitioner has been charge-sheeted simply on the ground that after his arrest, he was subjected to custodial interrogation, during which he suffered disclosure statement

unfolding his participation in the commission of offence. It is a debatable question whether the said statement is admissible in evidence against the present petitioner, especially in view of the fact that nothing incriminating has been recovered in pursuance thereof. So far as the last seen evidence is concerned, the same is not against the petitioner, rather, same is against his co-accused namely Ratna. Petitioner is cooling his heels behind the bars since the date of his arrest i.e. April 18, 2014. Investigation is complete and report under Section 173 (2) Cr.P.C. has already been presented. Disposal of trial would certainly take time and in the given circumstances, it would not be desirable to keep the petitioner behind the bars for an indefinite period.

3. Taking into consideration all the aforesaid aspect of this case but without expressing any opinion on the merits of the case, petition is allowed and petitioner- Baljeet is ordered to be released on bail, during pendency of trial, at the satisfaction of trial court/Duty Magistrate, Jind.

(JASPAL SINGH)
JUDGE

July 09, 2015
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