

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

CRM-M-23843-2015

Date of decision: 28.07.2015

Manoj @ Monu

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Kamal Mor, Advocate
for the petitioner.

Mr. Manoj Kumar Sangwan, DAG, Haryana.

RAMESHWAR SINGH MALIK, J. (ORAL)

Petitioner seeks bail pending trial in FIR No.73 dated 30.01.2014 under Section 382 of the Indian Penal Code ('IPC' for short) and Sections 395, 412 IPC (added later on), registered at Police Station Jhajjar, District Jhajjar.

Learned counsel for the petitioner submits that since the petitioner was not named in the FIR, there was no scope of any allegation against him. He came to be implicated in the present case only on the basis of disclosure statement suffered by his co-accused, that too before the police, which would have no evidentiary value. He further submits that petitioner is inside the jail for the last more than one year and out of 21 PWs, only two PWs have been examined so far. So far as other cases are concerned, petitioner is already on bail. He prays for allowing the present petition.

On the other hand, learned counsel for the State, on instructions from ASI Gajraj Singh, Police Station Jhajjar, District Jhajjar, submits that

since the petitioner has been found involved in more than one similar cases, he is not entitled for bail pending trial, in the present case. He prays for dismissal of the present petition.

Having heard the learned counsel for the parties at considerable length, after careful perusal of the record of the case and giving thoughtful consideration to the contentions raised, this Court is of the considered opinion that in the given fact situation of the present case, petitioner has been found entitled for bail pending trial. It is so said because petitioner was not named in the FIR. He was sought to be implicated only on the basis of a disclosure statement suffered before the police, by the co-accused of the petitioner. Thus, involvement of the petitioner itself will be a debatable issue. In such a situation, petitioner cannot be denied the concession of bail pending trial only on the ground that he was found involved in another similar criminal case. It is so said because in the present case, name of the petitioner came to be disclosed only by his co-accused and that too, in his disclosure statement made before the police.

In view of the above and without commenting anything further on merits at this stage, lest it should prejudice the rights of either of the parties, present petition is allowed. Petitioner is directed to be released on bail pending trial subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of learned trial Court.

Disposed of, accordingly.

[RAMESHWAR SINGH MALIK]
JUDGE

28.07.2015
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