

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

CRM-M-26058-2015

Date of Decision: 14.08.2015

Neeraj

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. R.S. Kundu, Advocate
for the petitioner.

Mr. Ashish Yadav, Addl. AG, Haryana.

RAMESHWAR SINGH MALIK, J. (ORAL)

Petitioner seeks bail pending trial in FIR No.388 dated 05.08.2014 under Section 148, 149, 302, 120-B IPC and Section 25 of Arms Act, registered at Police Station Civil Lines, District Rohtak.

Learned counsel for the petitioner submits that the alleged confessional statement suffered by the petitioner before the police is of no consequence, as it would have no evidentiary value. He further submits that recovery of alleged weapon of offence attributed to the petitioner is also contrary to the allegations levelled in the FIR, which clearly shows that the petitioner has been framed in the present case. Since the prosecution evidence is yet to start, conclusion of the trial will take long time. He also submits that two of the co-accused of the petitioner namely Yogesh and Harender have been granted bail by this Court, vide orders dated 02.07.2015 and 14.07.2015. He prays for allowing the present petition.

On the other hand, learned counsel for the State, on instructions from ASI Balwan Singh, Police Station Civil Lines, District Rohtak, submits

that recovery was effected from the place of occurrence on 05.08.2015. The

confessional statement of the petitioner was recorded before the police on 10.08.2015. He further submits that since the involvement of the petitioner has been established, he is not entitled for bail pending trial, at this stage. So far as Harender and Yogesh, co-accused of the petitioner are concerned, their cases are clearly distinguishable from the case of the petitioner, because they were not named in the FIR. 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 rival contentions raised, this Court is of the considered opinion that keeping in view the totality of facts and circumstances of the case noticed hereinabove, petitioner has been found entitled for bail pending trial. It is so said because the alleged recovery as well as the confessional statement are contrary to the allegations levelled against the petitioner in the FIR. Further, learned counsel for the petitioner has been found justified in contending that the confessional statement suffered by the petitioner before the police, would have no evidentiary value because it was not followed by any recovery from the petitioner.

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, instant petition is allowed. Petitioner is directed to be released on bail pending trial on his furnishing adequate bail bonds/surety bonds to the satisfaction of learned trial Court.

Disposed of, accordingly.

[RAMESHWAR SINGH MALIK]
JUDGE

14.08.2015
vishnu