

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

Crl.Misc.No.M-30986 of 2014(O&M)

Date of Decision : 06.04.2015

Jagmender

....Petitioners

Versus

State of Haryana

...Respondent

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER

Present : Mr. Shailender Mohan, Advocate for the petitioner

Mr. P.S.Chauhan, Addl. AG, Haryana with
Mr. Himmat Singh, AAG, Haryana

Mr. P.K.Chugh, Advocate for the complainant

MAHESH GROVER, J.

The petitioner prays for grant of regular bail in terms of Section 439 Cr.P.C in case FIR no. 1129 dated 17.10.2013 registered under Sections 302/34 IPC at Police Station, Sadar Hisar.

The petitioner has been implicated in a case which can be stated to be a blind murder. He has been implicated on the strength of an extra judicial confession and subsequent investigation based on the call records indicating the presence of the accused in and around the area where the body of the deceased was found. Learned counsel for the petitioner contends that he is in custody since 22.10.2013 and the primary evidence against him is that of an extra judicial confession. It is further contended that the petitioner has been falsely implicated.

Learned counsel for the respondent on the other hand would point out to the serious nature of the offence and also the details of the

calls.

On due consideration of the matter and noticing the fact that the petitioner is in custody since 22.10.2013 and the fact that the primary evidence as against him is that of an extra judicial confession which is acknowledged to be a weak type of evidence in the eyes of law, instant petition is accepted. Besides the co-accused of the petitioner has also been granted the similar benefit. It is directed that the petitioner be released on bail in terms of Section 439 Cr.P.C . Bail to the satisfaction of learned Trial Court.

Nothing said herein shall be construed to be an expression on the merits of the case.

April 06, 2015
rekha

(Mahesh Grover)
Judge