

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

Criminal Misc. No.M-32521 of 2015

Date of Decision: November 17, 2015

Kuldeep

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr.J.S.Ghuman, Advocate,
for the petitioner.

Mr.Pawan Gaur, DAG, Haryana.

Naresh Kumar Sanghi, J.

Prayer in this petition, filed under Section 439, Cr.P.C., is for grant of regular bail to the petitioner, Kuldeep, who has been booked for having committed the offences punishable under Sections 120-B, 388, 417 and 420, IPC, in a case arising out of FIR No.180 dated 15.05.2015, registered at Police Station, Tosham, District Bhiwani.

Learned counsel contends that even if the whole case of the prosecution is taken at its face value then also there is no legal evidence to connect the petitioner with the offences for which he has been booked; the disclosure statement of the petitioner, in the shape of confession, cannot be used to hold the petitioner guilty; the call details of the mobile phones of Krishna and Dharamvir

would not show that the petitioner had a telephonic conversation with Dharamvir and that all the offences for which the petitioner has been booked are triable by learned Judicial Magistrate Ist Class; the petitioner is behind the bars since 21.05.2015 and after completion of the investigation, the charge-sheet (*challan*) has also been presented and that the petitioner is neither required nor involved in any other case.

Learned counsel for the State, on instructions from ASI Jagir Singh, Police Station, Tosham, District Bhiwani, and after going through the police file, very fairly concedes that except the disclosure statement and that of the call details of the mobile phone of Krishna and Dharamvir, there is no other evidence to connect the petitioner with the offences alleged to have been committed by him.

After hearing learned counsel for the parties and keeping in view the totality of the facts and circumstances of the case, the present petition is accepted. Petitioner-Kuldeep, s/o Shiv Narayan, r/o village Badala, at present Saket Colony, Hisar, now confined in District Jail, Bhiwani, is directed to be released on bail, during pendency of trial of the present case, subject to his furnishing bond to the satisfaction of learned trial Court.

November 17, 2015
seema

(Naresh Kumar Sanghi)
Judge