

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

212

CRM-M No.39880 of 2014

Date of Decision:12.01.2015

Inderpal @ Maiya & another

.....Petitioners

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE MEHINDER SINGH SULLAR.

**Present: Mr.Hemant Bassi, Advocate,
for the petitioners.**

**Mr.Pravindra Singh Chauhan, Additional Advocate
General, Haryana, for the respondent-State.**

MEHINDER SINGH SULLAR, J.(oral)

The petitioners have preferred the instant petition for the grant of concession of regular bail, in a case registered against them along with their other main co-accused, namely, Sushil @ Shilu, Balbir Singh, Vijay, Anil, Raj Kumar, Virender @ Banti and Bhoop Singh etc., vide FIR No.117 dated 15.03.2014, on accusation of having committed the offences punishable under Sections 147, 148, 149, 323, 307, 343, 452, 302, 120-B IPC read with Section 25 of The Arms Act, by the police of Police Station Barwala, District Hisar.

2. Notice of the petition was issued to the State.

3. After hearing the learned counsel for the parties, going through the record with their valuable assistance and considering the entire matter deeply, to my mind, the present petition for regular bail deserves to be accepted in this context.

4. Precisely, the prosecution, *inter alia*, claimed that on 15.03.2014, other pointed co-accused of the petitioners, caused the murder of Kuldip and Sudhan Devi, with their respective weapons. It is not a matter of dispute that, neither the names of the petitioners are found to be mentioned nor any particular part or injury is attributed to them in the FIR. Even, they were not present at the spot at the relevant time of incident. They were subsequently involved in this case, in the wake of disclosure statement of their co-accused Sushil @ Shilu that the petitioners have hatched a criminal conspiracy, which was executed by their other main indicated co-accused. All the main allegations of committing the murder of the deceased, are assigned to main co-accused of the petitioners(non-petitioners). On instructions from SI Dushyant Dass, the investigating officer, learned State Counsel has fairly acknowledged that there is no other evidence available on record against the petitioners, except the indicated disclosure statement of their co-accused Sushil @ Shilu. In that eventuality, what is the evidentiary value, acceptability and admissibility of such disclosure statement of the co-accused, relatable to the case of the petitioners, *inter alia*, would be a moot point to be decided after receipt of evidence of the parties during the course of trial by the trial Court.

5. Be that as it may, the petitioners were arrested in this case on 17.03.2014. Since then they are in judicial custody and no useful purpose would be served to further detain them in jail. There is no history of their previous involvement in any other criminal case. The conclusion of trial will naturally take a long time.

6. In the light of aforesaid reasons, taking into consideration the totality of facts and circumstances, emanating from the record, as discussed here-in-above and without commenting further anything on merits, lest it may prejudice the case of either side during the course of trial of the main case, the instant petition for regular bail is hereby accepted. The petitioners are ordered to be released on bail on their furnishing adequate bail bonds and surety bonds to the satisfaction of the trial Court.

Needless to mention that, nothing observed here-in-above, would reflect, on merits in the trial of the main case, in any manner, as the same has been so recorded for a limited purpose of deciding the present petition for regular bail.

January 12, 2015
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(**MEHINDER SINGH SULLAR**)
JUDGE