

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M No.39834 of 2015

Date of Decision:-03.12.2015

Saurabh Kumar.

.....Petitioner.

Versus

State of Haryana.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Simranjit Singh Sarwara, Advocate for the Petitioner.

Mr. Satish Saini, Deputy Advocate General, Haryana
along with ASI Karam Chand.

JASWANT SINGH, J (ORAL)

Prayer is under Section 439 Cr.PC for grant of regular bail to the petitioner Saurabh Kumar in case FIR No.28 dated 17.01.2015 for offences punishable under Sections 302, 34, 303, 120-B of Indian Penal Code and Sections 25 of Arms Act registered with Police Station Mahesh Nagar, District Ambala, Haryana.

As per the case of the prosecution, deceased Gajender Singh was shot dead at the gate of his house for non fulfilling the extortion demand of Rs.2 lacs made by the main accused Kuldeep Singh @ Kallu. On the fateful night of 29.01.2015, co-accused Arvind Sharma and Saurabh Gupta are stated to have ferried the main accused Kuldip @ Kallu and Hardeep @ Monu to the house of Gajender Singh in a car and whereupon

they shot dead Gajender Singh.

As per the allegations surfaced during the investigation, the only role attributed to the present petitioner-Saurabh Kumar is that of hatching a conspiracy in the light of an alleged conversation on mobile with the main accused Kuldeep before the occurrence on the fateful night.

Learned Counsel for the petitioner contends that except the disclosure statement of the co-accused Kuldeep Singh & Ors. qua the role of the present petitioner, there is no other incriminating material against him. It is further contended that the said statements made before the police are stated to be inadmissible even against the main accused much less the present petitioner. It is further contended that the petitioner is in custody since 17.01.2015, the investigation qua him are over and that similarly placed co-accused Gurmej Singh @ Happy has since been granted regular bail vide order dated 18.11.2015.

Learned State Counsel on instructions from ASI Kulbir Singh concedes regarding the factum of custody period, the challan having been presented and grant of bail to similarly placed co-accused Gurmej Singh @ Happy. He is further unable to point out any other incriminating material except the reference of the name in the disclosure statements of the co-accused.

Without Commenting on the merits of the case, keeping in view the above, present petition is allowed and the petitioner is ordered to be released on bail to the satisfaction of the CJM/Duty Magistrate, Ambala.

(JASWANT SINGH)
JUDGE

December 03, 2015
Vinay