

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
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CRM-M No.64 of 2015

Date of Decision:14.01.2015

Dalbir @ Dalu

.....Petitioner

Versus

State of Haryana

.....Respondent

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

**Present: Mr.Ashwani Bhardwaj, Advocate,
for the petitioner.**

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

MEHINDER SINGH SULLAR, J.(oral)

The petitioner has preferred the instant petition for the grant of concession of regular bail, in a case registered against him along with his other main co-accused, namely, Rakesh Kumar Chahal, Lakhjinder Kaur, Shankar and others, vide FIR No.56 dated 21.02.2014, on accusation of having committed the offences punishable under Sections 302, 120-B read with Section 34 IPC and Section 25 of The Arms Act, by the police of Police Station Sadar Tosham, District Bhiwani.

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 help and after 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

21.02.2014, main accused Rakesh Kumar Chahal caused the murder of Rakesh Malik, brother of complainant-Krishan Kumar son of Balwan Singh. What cannot possibly be disputed here is that neither the name of the petitioner is mentioned, nor any specific role or particular part is attributed to him in the FIR or even in the statement of the complainant, recorded under Section 164 Cr.P.C. by the Magistrate. He was subsequently involved in this case, in the wake of his disclosure statement. Even, in the disclosure statement, it was claimed that the petitioner has informed the main accused about the whereabouts of the deceased. There is no direct or circumstantial evidence available on record against the petitioner, as acknowledged by learned State Counsel, on instructions from SI Krishan Kumar, the investigating officer. What is the evidentiary value, admissibility and acceptability of such disclosure statement, relatable to the case of the petitioner against him, *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 petitioner was arrested in this case on 27.02.2014. Since then he is in judicial custody and no useful purpose would be served to further detain him in jail. There is no history of his previous involvement in any other criminal case. The conclusion of trial will naturally take a long time.

6. Not only that, Lakhjinder Kaur and Shankar, similarly situated co-accused of the petitioner, were granted the concession of regular bail, by virtue of order dated 24.07.2014(Annexure P-3) in CRM No.M-23968 of 2014 and order dated 27.11.2014(Annexure P-4) in CRM

No.M-35095 of 2014, respectively, by this Court. Therefore, I see no reason not to extend the same benefit of regular bail to the present petitioner as well under the similar set of circumstances.

7. In the light of aforesaid reasons, taking into consideration the peculiar facts and special 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 petitioner is ordered to be released on bail on his 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 14, 2015
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(**MEHINDER SINGH SULLAR**)
JUDGE