

*IN THE HIGH COURT FOR THE STATES OF PUNJAB
AND HARYANA AT CHANDIGARH.*

Cr. Misc. M 2125 of 2016
Date of decision:- 24.2.2016

Mahesh Madhev and anr

Petitioners

vs.

State of Haryana and ors

Respondents

Present: Mr. Mohammad Arshad, Advocate.
Mr. GS Salwara, DAG, Haryana

M.M.S.BEDI,J.

The allegation against the petitioners is that they have allegedly conspired with other co-accused and have been involved in the case on the basis of disclosure statements made by the co-accused i.e. Arun and Sonu while in custody. Reliance has been placed on the judgment of the Delhi High Court in **Suresh @ Bubby vs. State(Delhi) 2011(3) JCC 1860**, wherein pre-arrest bail had been granted to the petitioner in that case, whereas the evidence against him was in the shape of disclosure statement of the co-accused to the effect that the petitioner had given money to a third person and the said third person had not been made an accused in the case. Counsel for the petitioners has also argued that at one stage the petitioners were found not connected with the crime but the only evidence of conspiracy is in the shape of statements of co-accused Arun and Sonu.

With the assistance of learned State counsel, I have gone through the police file and found that on the basis of the call details of the co-accused of the petitioners and the petitioners, the petitioners have been connected with the crime. There are serious allegations of handing over of

money to the co-accused, who have made disclosure statements having received money for committing the offence. It will not be appropriate for this court to enter into the niceties of the trial to appreciate the evidence of an accomplice, which in law becomes admissible ,if corroborated.

In view of motive attributed to the petitioners and the other material available on record; investigation being still in progress, no ground is made out to grant the concession of pre-arrest bail to the petitioners.

Dismissed. Nothing said in this order will prejudice the right of the petitioners while seeking regular bail during the course of trial, in case the prosecution agency opts to present challan against them.

February 24 ,2016
TSM

(M.M.S.BEDI)
JUDGE