

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

CRM No. M-43116 of 2016

Date of decision:- December 07, 2016

AMIT @ MONU

....PETITIONER..

VS.

STATE OF HARYANA

....RESPONDENT..

CORAM:- HON'BLE MR. JUSTICE JASPAL SINGH

Present:- Mr. Sunil Saharan, Advocate,
for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

JASPAL SINGH, J. (Oral)

By virtue of instant petition preferred under Section 439 of the Code of Criminal Procedure (for short, "Cr.P.C."), petitioner-Amit @ Monu has sought concession of bail during pendency of trial, in case FIR No.895, dated 10.10.2015, under Sections 302, 323, 34, 109, 114 IPC and Section 25 of the Arms Act, Police Station Civil Lines, Hisar, District Hisar.

2. As per the contents of FIR, the only allegation against the present petitioner is that he exhorted his co-accused Parveen Malik to open fire on the deceased. But subsequently, during investigation of the case, when he was subjected to custodial interrogation, he is alleged to have suffered confession statement unfolding that he had given a country made pistol after loading with cartridge to his co-accused Parveen Malik and the shots were fired by Parveen Malik on the person of Rajesh, which proved fatal. The confession statement, if any, made before the police and its

evidentiary value could be seen during trial as well as at the time of main arguments.

3. Keeping in view the fact that only lalkara has been attributed to the petitioner and further that the petitioner is suffering incarceration since the date of his arrest i.e. 21.11.2015 and further that petitioner is already facing the trial, the disposal of which is likely to take sufficient time. This Court is of the considered view that it is a fit case to exercise the discretion under Section 438 Cr.P.C. Accordingly, petition is allowed and petitioner is ordered to be released on bail, during pendency of trial, at the satisfaction of trial Court/Duty Magistrate.

4. However, it is made clear that if the petitioner is found indulging in overpowering or winning over the witnesses or extending threats etc. to desist from their statements voluntary, the prosecution shall be at liberty to approach this Court for the cancellation of bail.

December 07, 2016
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(JASPAL SINGH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No