

**238-A IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-743-2016

Date of Decision : 28.01.2016

Kaji Mohamad NafishPetitioner

versus

State of HaryanaRespondent

CORAM : HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. S.K. Rai, Advocate
 for the petitioner.

Mr. Vikash Malik, DAG, Haryana.

M.M.S. BEDI, JUDGE (ORAL)

Petitioner seeks concession of regular bail in a case of an incident of assault on complainant Surender Chauhan by three unknown persons in conspiracy with the petitioner.

Learned counsel for the petitioner contended that the petitioner has been falsely implicated in the case. He has argued that the complainant Surender @ Shailendra Chauhan had been fired at by unknown persons and that the petitioner had been involved in a case on the basis of the extra-judicial confession of the accused and that besides the aforesaid extra-judicial confession there is no other evidence against the petitioner.

With the assistance of learned State counsel I have carefully gone through the police record which indicates that the co-accused of the petitioner Robin, Amit and Bablu have also made statements before the

police regarding they have been hired by the petitioner for committing the murder of the complainant. No doubt, at this stage, it will not be appropriate to determine the relevance and admissibility of the statements of the co-accused made in police custody but the law permits the reliance on the confessional statements of the co-accused in case these are corroborated by sufficient evidence. In the present case prima facie the corroboration to the allegations against the petitioner, is rendered by the telephone records which indicates that the petitioner had been in constant touch with Bablu co-accused, who was amongst the persons who fired at the complainant. Since the trial is at initial stage, it will not be prudent to grant of concession of regular bail to the petitioner who is alleged to be a king pin of the entire episode.

Petition is dismissed at this stage.

(M.M.S. BEDI)
JUDGE

28.01.2016

Neha