

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-11125 of 2017 (O&M)

Date of Decision: 28.07.2017

Amandeep Singh

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. G.S. Sidhu, Advocate
for the petitioner.

Mr. Ashish Yadav, Addl. AG, Haryana.

SURINDER GUPTA, J.(Oral)

CRM-23020-2017

Application is allowed and final report under Section 173

Cr.P.C. is taken on record as Annexure P-5.

CRM-M-11125-2017

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.224 dated 13.08.2016 registered for offences punishable under Sections 302 read with Sections 120-B and 34 of Indian Penal Code (for short, "IPC") and 25/27 of the Arms Act, at Police Station Kalanwali.

Heard.

Learned counsel for petitioner submits that the petitioner was not named in the FIR. A gun was recovered from his possession pursuant to his disclosure statement, which was sent to FSL and was reported to have not been used in the crime. The petitioner was arrested on 14.09.2016. After completion of investigation, police has presented the challan against him.

Conclusion of trial will take considerably long time, as such, petitioner may be allowed regular bail during pendency of trial.

Learned State counsel submits that as per disclosure statement of co-accused, petitioner had also participated in the conspiracy to kill son of complainant. He, however, admits that weapon recovered from the petitioner was not used in this case.

The petitioner was arrested on 14.09.2016 and after completion of investigation challan has also been presented in Court. Evidentiary value, relevance and admissibility of disclosure statement of co-accused is a fact to be seen by the trial Court at the time of final disposal of the case.

In view of above but without expressing any opinion on merits of the case and keeping in view the fact that conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Amandeep Singh is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- (a) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.
- (c) He shall not leave the country without the previous permission of the Court.

July 28, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No