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

CRM-M-5878 of 2017

Date of decision: March 20, 2017

Parvesh @ Tinku

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE A.B. CHAUDHARI

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

Mr. Chetan Sharma, AAG Haryana.

Mr. Ravinder Malik, Advocate for the complainant.

A.B. CHAUDHARI, J (Oral)

Heard learned counsel for the rival parties.

In FIR No.312 dated 20.10.2014, under Sections 307, 201, 34, 120-B of the Indian Penal Code, 1860 (for short 'IPC') (Section 307 IPC deleted and Section 302 IPC added lateron) and Sections 25, 54, 59 of the Arms Act, 1959, registered at Police Station Urban Estate Rohtak, District Rohtak, the petitioner seeks regular bail. Petitioner was arrested and is in jail.

With the assistance of the learned counsel for the parties, evidence of complainant have been perused by me. In so far as the petitioner is concerned, the evidence relates to his arrival on the spot at a later point of time.

Learned counsel for the complainant as well as learned

State counsel vehemently opposed the petition for bail on the ground

that the petitioner is the conspirator who was hired for contract killing. He relied on the evidence of PW6-Vedwart.

I have perused the evidence of PW6-Vedwart which does not show what is being contended.

Learned counsel for the complainant as well as learned State counsel then relied on the disclosure statement of the petitioner.

In my opinion, in the absence of the admissible part of Section 27 of the Evidence Act, 1872, discovery of fact against the petitioner-accused, it would not be proper to, prima-facie, hold the disclosure statement as admissible evidence.

In that view of the matter, this petition is allowed. Petitioner is ordered to be released on bail, subject to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned. The petitioner shall not enter the limits of the District Rohtak. The petitioner shall not apply for modification of this condition to stay out of District Rohtak till the trial is over. The petitioner shall not tamper, influence and threaten the prosecution witnesses and complainant as well. In case of violation of the above condition, liberty is reserved in favour of the prosecution to apply for cancellation of bail.

(A.B. CHAUDHARI)
JUDGE

March 20, 2017

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Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No