

CRM-M-13456-2018

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

CRM-M-13456-2018

Date of Decision: 09.10.2018

Chaman @ Bunt

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Kunal Dawar, Advocate,
for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

Mr. Johan Kumar, Advocate,
for the complainant.

INDERJIT SINGH, J. (Oral)

Petitioner has filed this petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.415 dated 06.09.2017, registered at Police Station Sadar Ballabgarh, District Faridabad, under Sections 148, 149, 302 and 120-B of the Indian Penal Code.

Notice of motion was issued. Learned State counsel appeared on behalf of respondent-State and complainant also appeared through his counsel. They contested this petition.

I have heard learned counsel for the parties as well as learned State counsel and gone through the record.

From the record, I find that the petitioner is neither named in the FIR nor by any of the private witnesses. He has been nominated

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in the present case on the disclosure statement of co-accused. After presentation of challan, this statement of co-accused got recorded before the police becomes inadmissible as it is a statement before the police by the accused and is inadmissible in evidence.

Learned counsel for the petitioner submits that there is a delay of 02 days in getting the FIR recorded.

Learned State counsel admits that till now, Board of Doctors has not given any specific opinion regarding cause of death.

The petitioner has been in custody since 24.10.2017. He is not required for any investigation or interrogation purposes as he is in judicial custody. Now, he is only to face the trial which may take a long time. No useful purpose will be served by keeping the petitioner in custody till the final disposal of the case.

Keeping in view the facts and circumstances of the present case; without discussing the facts in minute detail and without expressing any opinion on the merits of the case, this criminal miscellaneous petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal bonds in the sum of ₹50,000/- with one surety in the like amount to the satisfaction of the trial Court/Duty Magistrate.

09.10.2018
parveen kumar

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned	:	Yes
Whether reportable	:	No