

Sr. No.230

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

CRM No. M-14048 of 2018 (O&M)

Date of Decision: 17.04.2018

Balister Tyagi

... Petitioner

Versus

State of Haryana

... Respondent

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. Ashit Malik, Advocate,
for the petitioner.

Mr. Ashish Yadav, Additional A.G., Haryana.

TEJINDER SINGH DHINDSA, J.(ORAL)

Petitioner seeks benefit of regular bail pending trial in case FIR No.436 dated 13.08.2017, under Sections 307/34/120B/201 IPC and Section 25 of Arms Act, registered at Police Station Gannaur, District Sonapat.

Counsel for the parties have been heard.

FIR came to be registered on the statement of Sunil in relation to an occurrence dated 12.08.2017 during the evening hours.

Complainant asserted that while he was proceeding on a motorcycle along with his brother Satish, two unknown boys came in a 'Beat' car and resorted to firing as a result of which Satish sustained two bullet injuries in the abdominal area.

It so transpires that statement of injured Satish was recorded on 22.09.2017 in which he did not identify the assailants.

Petitioner is sought to be implicated on the strength of a supplementary statement recorded of Satish on 10.12.2017 and wherein the injured has attributed the firing to one Naveen (co-accused) and one other unidentified assailant.

In such supplementary statement injured has stated that there is a previous quarrel that had taken place with the present petitioner as also his brother and on account of which a grudge was being nursed and it is the petitioner herein who has conspired and arranged for the offence to have been committed.

That apart prosecution is relying upon the disclosure statement recorded of the petitioner himself in which he has virtually confessed to the commission of offence and having paid money to co-accused Naveen for resorting to the firing.

There are disclosure statements recorded of even Naveen as also Vinod.

Petitioner was arrested on 18.12.2017.

Investigation qua the present petitioner is complete and even the challan has been presented. Charges are yet to be framed.

Trial as such would take time to conclude.

Evidentiary value of the disclosure statement recorded of the accused including that of the present petitioner would be an aspect to be dealt with by the trial Court.

Even the authenticity and veracity of the supplementary statement recorded of the injured on 10.12.2017 i.e. after a period of almost 04 months from the date of occurrence would be dealt

with by the trial Court.

Without making any observations on merits, petitioner is held entitled to the benefit of bail.

Petition is allowed. Petitioner be enlarged on bail subject to satisfaction of the trial Court/Duty Magistrate concerned.

It is made clear that the observations contained in this order are confined only as regards considering the prayer of the petitioner for grant of bail and would have no bearing on the merits of the case.

Disposed of.

17.04.2018
vandana

(TEJINDER SINGH DHINDSA)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	No