

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

**CRM-M No.14708 of 2018
Date of decision : 13.08.2018**

Dinesh

.....Petitioner

Versus

State of Haryana

...Respondent

CORAM : HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present : Mr. Vishal Nehra, Advocate for the petitioner.

Ms. Tanushree Gupta, DAG, Haryana.

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DAYA CHAUDHARY, J. (Oral)

Petitioner Dinesh has filed the present petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.378 dated 11.07.2017 under Section 365 IPC (sections 364A/302/120-B/201/34 IPC added later on) registered at Police Station – Ganaur City, Distt. Sonipat.

Learned counsel for the petitioner submits that name of the petitioner is not mentioned in the FIR and he has been arrested on the basis of statement made by the co-accused. The prosecution case is based on circumstantial evidence and the petitioner has been connected with the offence only on the basis of the fact that Aadhar card of the deceased was recovered from him, whereas there was no occasion for the petitioner having the Aadhar card of the deceased. The confessional statement has not been recorded in presence of any independent witness or before any Magistrate and it carries no weight in the eyes of law. Learned counsel also submits that even in the statement of material prosecution witnesses, nothing has come as to how the

petitioner was instrument in commission of the offence. Co-accused of the petitioner namely Parveen has been released on regular bail by the lower Court. The petitioner is in custody since 29.10.2017 and all the material prosecution witnesses have been examined. Petitioner undertakes to appear before the trial Court on each and every date of hearing and not to tamper with the evidence or influence the remaining prosecution witnesses.

Learned State counsel has not disputed the period of custody undergone by the petitioner as well as release of co-accused on regular bail.

Heard arguments of learned counsel for the petitioner as well as learned State counsel and have also perused the contents of FIR and other documents on the file, including the order passed in case of co-accused Parveen by the lower Court.

Petitioner is in custody since 29.10.2017 and all material prosecution witnesses have been recorded. Petitioner has been impleaded on the basis of statement made by the co-accused. The prosecution case is based on circumstantial evidence and accordingly, by considering the period of custody undergone by the petitioner as well, the present petition is allowed and petitioner namely Dinesh is directed to be released on regular bail to the satisfaction of the trial Court.

13.08.2018*sunil yadav***(DAYA CHAUDHARY)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No