

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

CRM-M-17764-2018 (O&M)

Date of decision:04.05.2018

Neeraj

... Petitioner

Vs.

State of Haryana

... Respondent

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

Present: Mr. Naveen Kashyap, Advocate for the petitioner.

Mr. Deepak Grewal, DAG, Haryana.

...

TEJINDER SINGH DHINDSA, J. (ORAL).

Petitioner seeks benefit of regular bail pending trial in case FIR No.256, dated 19.07.2016, under Sections 302/201/120-B IPC and Section 25 of the Arms Act, registered at Police Station Madlauda, District Panipat.

Counsel for the parties have been heard.

Process of law was set in motion on the statement of SI Shree Bhagwan and who stated that he had got a message through V.T. Regarding a a stolen Swift Dzire Car and which would be proceeding in a particular direction.

The police party having reached at the spot noticed a Swift Dzire Car which was stranded on the road. Upon opening the door, an unknown person's body was found and which had a bullet injury on the forehead. Accordingly, FIR was registered for offence under Sections 302/201 IPC.

Petitioner was arrested on 26.07.2016.

Petitioner is sought to be implicated on the strength of a disclosure statement of one Pala Ram who, is alleged to be an eye witness to

the occurrence. Pala Ram has named four assailants including the present petitioner. As per disclosure statement of Pala Ram, one vehicle i.e. one Ford Endeavour was also involved.

That apart, prosecution is also relying upon the confessional statement recorded of the present petitioner upon having been arrested in a different FIR.

During the course of arguments, it has gone uncontroverted that Pala Ram has been examined before the trial Court as PW12 and has not supported the prosecution version.

The evidentiary value of the confessional statement recorded of the petitioner himself would an aspect to be dealt with by the trial Court.

The Ford Endeavour vehicle has also not been recovered.

Petitioner has faced incarceration for a period in excess of 20 months.

Co-accused, Deepak and who would be on a similar footings has been granted benefit of bail by this Court in the light of order dated 27.03.2018 in CRM-M-9361-2018.

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 trial Court/Duty Magistrate, concerned.

04.05.2018

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

i) Whether speaking/reasoned? Yes/No

ii) Whether reportable? Yes/No