

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

Criminal Misc.No.M-18851 of 2018 (O&M)

Date of Decision : 07.12.2018

Rajesh alias Sarkari

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

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

Mr. Raj Kumar Makkad, DAG, Haryana.

RAJ SHEKHAR ATTRI, J. (Oral)

The petitioner has preferred the instant petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.44 dated 13.02.2017, registered under Sections 364, 365, 302, 201, 450, 511, 506, 120-B IPC and Section 25 of the Arms Act, at Police Station City Gohana, District Sonapat.

This case is based on circumstantial evidence. The prosecution has arrayed the petitioner as accused solely on the ground that he had hatched a conspiracy with co-accused, 2-3 months prior to the occurrence and thereafter he had gone to jail.

Learned counsel for the petitioner has submitted that on the day of occurrence, the petitioner was in jail, therefore, the question of his involvement in the instant case does not arise.

However, learned State counsel has submitted that the petitioner is already facing trial in 12 more cases of serious nature and out of them, three cases are of murder trial. He has placed on record the list of said 12 cases in connected matter i.e. CRM M-19914 of 2018.

This Court has given thoughtful consideration to the rival contentions.

The petitioner has been named in the said FIR on the basis of disclosure statement of co-accused. The admissibility and evidential value of those statements shall be considered at the appropriate stage. However, the trial is in progress.

Keeping in view the peculiar circumstances of the case, this court is of the view that the petitioner is not entitled for the benefit of regular bail.

Therefore, the instant petition stands dismissed.

(RAJ SHEKHAR ATTRI)
JUDGE

07.12.2018
mamta

Whether speaking/reasoned
Whether Reportable :

Yes/No
Yes/No