

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

**CRM No.M-19814 of 2018 (O&M)
Date of Decision: September 11, 2018**

Deepak @ Dhola

...Petitioner

VERSUS

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.J.S.Bedi, Senior Advocate with
Mr.Sunil Kumar, Advocate
for the petitioner.

Mr.B.S.Virk, DAG, Haryana
for the respondent-State.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.171 dated 15.03.2017 under Sections 302, 34, 120-B IPC and Section 25 of the Arms Act, registered at Police Station Palam Vihar, District Gurugram.

Notice of motion was issued. Learned State counsel appeared and contested the petition.

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

From the record, I find that present petitioner is not named in the FIR. Secondly, as per prosecution version, main accused is Anshul and petitioner has been nominated on the disclosure statement suffered by main accused Anshul. As per prosecution version, co-accused Anshul was

having pistol in his hand and had fired several rounds upon the deceased.

As per disclosure statement of Anshul, present petitioner was driving the motorcycle.

Learned counsel for the petitioner submitted that disclosure statement of co-accused Anshul is not admissible in evidence and except that, there is no cogent evidence on record to prove the involvement of present petitioner. There is no last seen evidence, no extra judicial confession etc. nor any motive is there against the present petitioner. At the time of arguments, learned State counsel has also mainly relied upon the disclosure made by co-accused Anshul to show the involvement of present petitioner.

The petitioner has been in custody since 30.04.2017. He is not required for investigation or interrogation purposes as he is in judicial custody. The trial of the case will take long time. No useful purpose will be served by keeping the petitioner in custody till the 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, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds in the sum of ₹50,000/- with one surety in the like amount to the satisfaction of the trial Court/Duty Magistrate.

However, nothing stated above, shall constitute my opinion on merits of the case.

September 11, 2018
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No