

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

**Criminal Misc. No. M-20077 of 2018
Date of decision: 06.09.2018**

Vicky

..Petitioner

Versus

State of Haryana

..Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Mr. Chanderhas Yadav, Advocate
for the petitioner.

Ms. Tanushree Gupta, DAG, Haryana
for the respondent -State.

Daya Chaudhary, J. (Oral)

The present petition has been filed by petitioner-Vicky under Section 439 Cr.P.C. for grant of regular bail in case FIR No.265 dated 15.10.2017 registered under Sections 148, 149, 302, 307, 324 read with Section 120-B of Indian Penal Code and Section 25 of the Arms Act at Police Station Barauda, District Sonapat, Haryana.

Learned counsel for the petitioner submits that the petitioner is a young person and has been implicated in the case on the basis of disclosure statement made by co-accused whereas neither any role has been attributed to him nor any allegation is there against him. Learned counsel also submits that the petitioner cannot be connected with the weapon i.e., country made pistol. The stand of the co-accused is self contradictory as it has been mentioned in the disclosure statement that the main accused used the country made pistol purchased by him from the State of UP whereas it

has come in the statement of the co-accused that the weapon was purchased by him from the present petitioner. Even no evidence is on record to connect the petitioner with the alleged commission of offence. The petitioner is in custody since 24.11.2017.

Learned State counsel has not disputed the custody period and other submissions made by learned counsel for the petitioner.

Heard arguments of learned counsel for the petitioner as well as learned State counsel and have also perused the contents of the FIR and other documents available on the file.

In view of the submissions made by learned counsel for the petitioner and by considering that the petitioner is in custody since 24.11.2017; the petitioner has been implicated in the case on the basis of disclosure statement, which has no evidentiary value; no evidence has been collected during investigation to prove as to whether the country made pistol belongs to the petitioner; the trial may take time to conclude and no purpose would be served by keeping the petitioner in custody, the present petition is allowed and the petitioner (Vicky) is directed to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court.

06.09.2018
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(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	Yes