

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

CRM-M No.21955 of 2018
DATE OF DECISION:25.05.2018

Deepak @ Bhartu

...Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

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

Mr. Tanuj Sharma, AAG, Haryana.

DAYA CHAUDHARY, J.(ORAL)

Through the present petition filed under Section 439 Cr. P.C., the petitioner seeks regular bail in case FIR No.167, dated 09.07.2016, registered under Sections 380/460/411/302/34 of IPC at Police Station Baroda, District Sonapat.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in the case on the basis of disclosure statement made by co-accused whereas he was not named in the FIR. He also submits that as per evidence collected during investigation the recovery has been shown to be of Danda whereas there is no connecting evidence to show that Danda was used by him as no finger prints were obtained. He also submits that all material witnesses have been examined and petitioner is in custody since 02.08.2016 and no purpose would be served by keeping the petitioner behind the bars.

Learned State counsel has opposed the submissions made by

learned counsel for the petitioner on the ground of seriousness of offence as well as the fact that the petitioner was named in the supplementary statement made by complainant and also the disclosure statement made by co-accused. Danda was recovered from the petitioner.

Heard arguments of learned counsel for the petitioner and have also perused the documents available on the file.

Admittedly, the petitioner is not named in the FIR and only on the basis of disclosure statement made by co-accused and supplementary statement made by complainant after a long delay, the petitioner has been involved in the case. All material witnesses have been examined. The petitioner is in custody since 02.08.2016 and no purpose would be served to keep the petitioner behind the bars, the petition is allowed. The petitioner is directed to be released on regular bail on furnishing bail/surety bonds to the satisfaction of the trial Court.

It is made clear that in case the petitioner is found to be involved in some other case of similar nature in future or he tries to influence the remaining witnesses or to tamper with the evidence, the State is at liberty to move an application for cancellation of bail granted to the petitioner.

25.05.2018
rimpal

(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No