

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

CRM-M No. 22796 of 2018

Date of decision : 04.12.2018

Neeraj

.....Petitioner

Versus

State of Haryana

...Respondent

CORAM : HON'BLE MRS. JUSTICE DAYA CHAUDHARY

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

Mr. Chetan Sharma, AAG, Haryana.

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DAYA CHAUDHARY, J. (Oral)

Petitioner Neeraj has approached this Court by way of filing the present petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to him in case FIR No.202 dated 28.05.2016 under Sections 307, 506, 120-B read with Section 34 of the Indian Penal Code, 1860 and Section 25 of the Arms Act, registered at Police Station – Kharkhoda, Distt. Sonipat, during pendency of the trial.

Learned counsel for the petitioner submits that the FIR was registered against some unknown persons and one Pardeep. Initially the petitioner was arrested in some other case *i.e.* FIR No.292 dated 25.07.2016 under Section 25 of the Arms Act. He was implicated in the present case on the basis of disclosure statement, which has no evidentiary value. Learned counsel also submits that no recovery was effected from the petitioner. The

alleged motorcycle which was used in the commission of the offence does not belong to the petitioner. Statements of the complainant and injured have been recorded and they have not supported the case of the prosecution. Petitioner is in custody since 26.07.2016 and no purpose would be served by keeping him in custody.

Learned State counsel has not disputed the period of custody undergone by the petitioner and also the factum of recording statements of the injured and complainant.

Heard arguments of learned counsel for the parties. I have also perused the contents of the FIR and other documents available on the file.

By considering the submissions made by learned counsel for the petitioner and keeping in view the period of custody undergone by the petitioner and also the facts that complainant and injured have not supported the case of the prosecution; petitioner has been implicated on the basis of disclosure statement, which has no evidentiary value, this petition is allowed and the petitioner is directed to be released on regular bail on furnishing bail/surety bonds to the satisfaction of the trial Court/ C.J.M./Duty Magistrate.

04.12.2018

sunil yadav

**(DAYA CHAUDHARY)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No