

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

CRM-M No.23309 of 2018

Date of Decision: 01.06.2018

Ajay @ Danka

....Petitioner

Versus

State of Haryana

....Respondent

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. Aman Pal, Advocate
for the petitioner.

Mr. Chetan Sharma, A.A.G., Haryana.

DAYA CHAUDHARY, J. (ORAL)

The present petition has been filed under Section 439 of Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.173 dated 04.05.2016 registered under Sections 302/34/120-B/476 IPC and Section 25/54/59 of the Arms Act at Police Station Sampla, District Rohtak.

Learned counsel for the petitioner submits that the name of the petitioner is not mentioned in the FIR and only on the basis of disclosure statement, he has been implicated in the case. No role has been attributed to him. Learned counsel further submits that the petitioner is in custody since 07.05.2016 and even a single witness has not been examined. Learned counsel also submits that there is no allegation even in the disclosure statement that any weapon was used by the petitioner. Co-accused Yoganand filed **CRM-M No.37440 of 2016** and petitioner is on better

footing viz-a-viz said Yoganand, who has been released on regular bail vide order dated 04.11.2016.

Learned State counsel has not disputed the custody period of the petitioner and also grant of regular bail to co-accused Yoganand but opposes grant of bail to the petitioner on the ground that the recovery of the weapon was effected from him and he is involved in three more cases.

It has been submitted by learned counsel for the petitioner that in three cases, the petitioner has been acquitted. There is no other case pending against him.

By considering the role of the petitioner; custody as well as parity with co-accused Yoganand, the present petition is allowed and petitioner-Ajay @ Danka is released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court.

(DAYA CHAUDHARY)
JUDGE

01.06.2018
gurpreet

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No