

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

CRM-M No.40785 of 2018

Date of decision : 12.10.2018

Deepak

.....Petitioner

Versus

State of Haryana

...Respondent

CORAM : HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present : Mr. Mukul Sharma, Advocate for the petitioner.

Mr. Rahul Mohan, DAG, Haryana.

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DAYA CHAUDHARY, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to petitioner Deepak in case FIR No.414 dated 10.07.2018 under Section 379-A of the Indian Penal Code, 1860 registered at Police Station – City Bhiwani, during pendency of the trial.

Learned counsel for the petitioner submits that name of the petitioner is not mentioned in the FIR and he has been implicated on the basis of disclosure statement made by the co-accused. In the initial version of the FIR, neither any role has been attributed to the petitioner nor any reference of the motorcycle was given, whereas in the disclosure statement made by co-accused there is mention of the motorcycle. Learned counsel also submits that the petitioner was arrested in the case on the basis of

disclosure statement and he has been connected with the commission of the offence only on the ground that the motorcycle belongs to him. He is in custody since 12.07.2018 and there is no other case against him. No purpose would be served by keeping him in custody.

Learned State counsel has not disputed the fact of involvement of the petitioner on the basis of disclosure statement suffered by the co-accused and period of custody undergone by him. He has opposed the submissions made by learned counsel for the petitioner only on the ground that the recovery of the motorcycle, which was used in the commission of the offence, was effected from the house of the petitioner.

Heard arguments of learned counsel for the parties and 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 that the petitioner has been implicated on the basis of disclosure statement made by the co-accused; there is no evidence to show the involvement of the petitioner except the motorcycle which belongs to him, whereas in the initial complaint even there is no mention of the motorcycle; there is no other case against him except the present one and he is in custody since 12.07.2018; investigation has already been concluded, challan has been presented in the Court and the case is now fixed for recording statements of the prosecution witnesses and nothing is to be recovered from the petitioner, no purpose would be served by keeping him in custody.

Accordingly 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.

12.10.2018

sunil yadav

**(DAYA CHAUDHARY)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No