

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

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CRM-M NO.41772 OF 2017

DATE OF DECISION: JANUARY 10, 2018

Lokesh @ Monu

.....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASI

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

Ms. Apoorv Garg, DAG, Haryana,
for the State.

AUGUSTINE GEORGE MASI, J. (ORAL)

It is the contention of learned counsel for the petitioner that the petitioner has been involved in the case merely on the basis of confessional statement of co-accused, Pawan, recorded on 17.04.2017. He contends that although the co-accused are involved in other cases as well but except this case, there is no other case registered against the present petitioner. No recovery has been effected from him and in the statement of complainant Shiv Parkash (PW11), he has not identified the petitioner. He contends that except for the confessional statement, there is no evidence against the petitioner, especially in the light of the fact that the complainant has not identified the petitioner. Recovery of Brezza car and pistol have also been effected from co-accused Rahul and Satish respectively. He contends that

except for the complainant who has been examined, there is no other private witness and all are official witnesses. Thirty four witnesses have been cited by the prosecution, out of which nineteen have been examined and the petitioner is in custody since 19.04.2017. On this basis, he contends that the petitioner may be granted the concession of regular bail.

On the other hand, learned counsel for the State has submitted that the petitioner is involved in a serious offence, where he alongwith other have shown a pistol to the Driver i.e. complainant Shiv Parkash and taken his Brezza car with an intention to commit a murder. His connivance and active role, as far as the snatching of the car is concerned, stand fully substantiated. He, however, could not dispute the fact that neither any recovery has been effected from the petitioner nor Shiv Parkash (complainant) has identified the petitioner, which fact is mentioned in his statement. State counsel, on instructions from Investigating Officer ASI Ramesh Kumar, Police Station Khol, District Rewari, states that the petitioner is not involved in any other case, except the present one. He also admits that except for the official witnesses, no other material witness is left out.

In view of the abovesaid facts and circumstances of the case, the present petition is allowed and the petitioner is granted the benefit of bail to the satisfaction of trial Court, Rewari.

January 10, 2018
khurmi

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No