

217 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-42789-2018 (O&M)

Date of decision:22.11.2018

Tara Chand

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Jagmohan Ghuman, Advocate
for the petitioner.

Mr. Karan Sharma, AAG, Haryana.

RAJBIR SEHRAWAT, J. (ORAL)

Prayer in this petition filed under Section 439 of Cr.P.C. is for grant of bail pending trial in case FIR No.314 dated 13.12.2015 under Sections 302, 120-B, 148, 149 of IPC and Section 25 of Arms Act, registered at Police Station Farrukh Nagar, District Gurugram.

Learned counsel for the petitioner submits that there is no attribution against the petitioner; so far as the actual act of killing of the deceased is concerned. It is further contended that the incident is of the year 2015, whereas, the petitioner is sought to be involved in the case only in the year 2018. Even now the sole reliance of the police; for making out a case against the petitioner; is upon the alleged disclosure statement of co-accused recorded way back in the year 2015. There is absolutely no other evidence against the petitioner. Even in those alleged statements, the co-accused of the petitioner have only alleged the participation of the petitioner at the level of the conspiracy. There is no recovery from the petitioner. The co-accused of the petitioner, against whom also the charge is of conspiracy, have already been released on bail. The petitioner is in custody since

required for any further investigation purposes. The trial shall take a long time.

On the other hand, learned State counsel, being instructed by ASI Pawan Kumar, submits that there is serious charge against the petitioner; of being involved in a murder case. However, counsel for the State has not pointed out any other evidence against the petitioner; except the disclosure statement. Even the fact that the co-accused of the petitioner have been released on bail, is not being disputed. Learned State counsel has also produced the custody certificate of the petitioner, which shows that the petitioner was arrested on 25.06.2018 and now the petitioner is in custody for 04 months and 20 days.

In view the above, but without expressing any further opinion on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial subject to his furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate, concerned.

(RAJBIR SEHRAWAT)
JUDGE

22.11.2018

Hemlata

Whether speaking/reasoned
Whether reportable

Yes / No
Yes / No