

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

**Criminal Misc. No. M-43709 of 2017
Date of decision: 30.07.2018**

Jagat Pal

..Petitioner

Versus

State of Haryana

..Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Mr. Jitender Dhanda, Advocate
for the petitioner.

Mr. Chetan Sharma, AAG, Haryana
for the respondent -State.

Daya Chaudhary, J. (Oral)

Petitioner-Jagat Pal has approached this Court by way of filing the present petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.766 dated 20.08.2017 registered under Section 307 read with Section 120-B IPC and Section 25 of the Arms Act at Police Station Hisar City.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the case whereas neither he was named in the FIR nor any description has been given. The petitioner has been implicated in the FIR only on the basis of disclosure statement made by co-accused, which is not admissible in evidence. Learned counsel further submits that the petitioner is ready to appear before the trial Court on each and every date and to abide by all terms and conditions to be imposed by this Court or by the trial Court. Learned counsel also submits that out of total 19 witnesses, six have been examined and the trial may take some time to conclude. No purpose would be served by keeping the petitioner in custody as the petitioner is in custody since 25.08.2017. Even the injured has not

identified the petitioner.

Learned State counsel has not disputed the custody period as well as the fact that the petitioner has been implicated in the case on the basis of disclosure statement made by co-accused.

Heard arguments of learned counsel for the petitioner as well as learned State counsel and have also perused the contents of the FIR and other documents available on the file.

Admittedly, the petitioner has been implicated in the case on the basis of disclosure statement made by co-accused, which has no value in the eyes of law. The petitioner was not named in the FIR. The statement of the injured has been recorded but he stated that he could not identify the accused because of darkness. Even after seeing the accused persons present in the Court, it was stated by the injured that none of them was present at the time of occurrence and they did not cause any injury to him.

Accordingly, keeping in view the statement made by injured and the fact that the petitioner is in custody since 25.08.2017 and out of total 19 witnesses, six have been examined and the trial may take time to conclude, the present petition is allowed and the petitioner (Jagat Pal) is directed to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court.

30.07.2018
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(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned

Yes

Whether Reportable

Yes