

Sr. No.217

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

CRM No. M-9361 of 2018 (O&M)

Date of Decision: 27.03.2018

Deepak

... Petitioner

Versus

State of Haryana

... Respondent

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. Arun Kumar Singal, Advocate,
for the petitioner.

Mr. Deepak Grewal, DAG, Haryana.

TEJINDER SINGH DHINDSA, J.(ORAL)

Petitioner seeks regular bail pending trial in case FIR No.256 dated 19.07.2016, under Sections 302/201/120-B IPC and Section 25 of Arms Act, registered at Police Station Matlauda Panipat.

Counsel for the parties have been heard.

The process of law was set in motion on the statement of S.I. Shri Bhagwan and who stated that he had got a message through V.T. i.e. a stolen Swift Dezire vehicle would be proceeding in a particular direction.

The police party having reached at the spot noticed a Swift Car which was stranded on the road. Upon opening the door, an unknown person's body was found and which had a bullet injury

on the forehead. Accordingly, FIR was registered for offence under Sections 302 and 201 IPC.

Present petitioner was arrested on 26.07.2016.

Petitioner is sought to be implicated on the strength of a disclosure statement of one Pala Ram who is alleged to be an eyewitness to the occurrence. Pala Ram has named 04 assailants including the present petitioner. As per disclosure of Pala Ram one vehicle i.e. Ford Endeavour was also involved.

That apart prosecution is also relying upon the confessional statement recorded of the present petitioner upon being arrested in a different FIR.

During the course of arguments, it has gone uncontroverted that Pala Ram has been examined before the trial Court as PW-12 and he has not supported the prosecution version.

The evidentiary value of the confessional statement recorded of the petitioner himself would be an aspect to be dealt with by the trial Court.

The Endeavour vehicle has not been recovered.

Petitioner has faced incarceration for a period in excess of 20 months.

Co-accused Shiv Raj Son of Surat Singh and who had also been named by Pala Ram has been granted concession of bail.

Without making any observations on merits, petitioner is held entitled to the benefit of bail.

Petition is allowed. Petitioner be enlarged on bail

subject to satisfaction of the trial Court/Duty Magistrate concerned.

Disposed of.

27.03.2018

vandana

(TEJINDER SINGH DHINDSA)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
No