

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-9851 of 2018

Date of decision : August 02, 2018

Rajesh

....Petitioner

versus

State of Haryana

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Rakesh Nehra, Advocate, for the petitioner
Mr. Siddarth Sanwaria, DAG, Haryana for the State

Fateh Deep Singh, J. (Oral)

The allegations against petitioner Rajesh in this second regular bail application filed under section 439 Cr.P.C. are that during the intervening night of 31.7.2016/1.8.2016, the petitioner along with his co-accused non-applicants Vinod, Dinesh, Sunil and Sourab as a consequence of criminal conspiracy happens to loot truck bearing No. HR-38S-0152 which was loaded with 471 bags of Moong Daal and to facilitate the same have murdered its driver Sudhir alias Monu.

Learned counsel for the petitioner contends that the petitioner has already undergone incarceration for almost two years and that he only happens to be the driver/employee of the co-accused Sanjay and that no specific role is attributed to him except statement of his co-accused Sanjay and the trial is not likely to be concluded in near future.

Though on behalf of the State, Mr. Sanwaria does not oppose the factual position, has strongly opposed grant of bail on the grounds of

seriousness of the allegations but accepts the incarceration period by placing on record the custody certificate.

Appreciating the submissions, the petitioner has already undergone almost two years of imprisonment and the only semblance of evidence as has been brought to the notice of the Court is that there is statement of co-accused Sanjay implicating him and thus, the very legality, validity and acceptability of such a statement being subject matter of judicial adjudication together with the fact that the trial is not likely to be concluded in near future and in view of principle of parity as the co-accused of the petitioner has already been allowed bail by this Court vide orders dated 27.2.2018, no useful purpose will be served by keeping the petitioner in further detention. Accordingly, he is ordered to be released on regular bail to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, Panipat.

The present petition stands disposed off accordingly.

The observations made herein above shall not be binding on the trial court at the time of trial as these are purely for the disposal of the present bail application.

August 02, 2018
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(Fateh Deep Singh)
Judge

Whether speaking/reasoned ?

Yes/No

Whether Reportable ?

Yes/No