

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

216

CRM-M-3971-2019 (O & M)
Date of Decision:05.02.2019

Jasbir

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. H.P.S. Aulakh, Advocate
for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

MANOJ BAJAJ, J.

Petitioner-Jasbir has filed this petition seeking regular bail in case FIR No.26 dated 29.01.2018, under Sections 302, 365, 201, 404 and 34 of the Indian Penal Code ('IPC' – for short) registered at Police Station Uchana, District Jind, Haryana.

Learned counsel for the petitioner has contended that the case of the prosecution is based on circumstantial evidence. The petitioner is alleged to have suffered an extra judicial confession on 10.02.2018 before Constable Randhir Singh. It is argued that the said Randhir Singh is not acquainted with the petitioner and therefore, there was no reason for the petitioner to suffer the alleged extra judicial confession before a stranger.

According to him, the material witnesses have already been

examined including the witness of extra judicial confession i.e. Jasbir.

On the other hand, the bail application is opposed by the learned State counsel who is assisted by HC Rajender Kumar on the ground that the petitioner is involved in the crime and suffered an extra judicial confession. However, it is conceded that the said witness Jasbir and other material witnesses have been examined. It is also not disputed that co-accused of the petitioner namely Pawan Kumar has already been granted concession of regular bail by this Court.

Considering the above background, stage of the trial and the fact that material witnesses have been examined, further custody of the petitioner is not justifiable. Therefore, without meaning any expression of opinion on the merits of the case, petitioner is ordered to be released on bail subject to his furnishing bail bonds and surety bonds, to the satisfaction of Trial Court/Duty Magistrate concerned.

The petition is allowed.

05.02.2019

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(MANOJ BAJAJ)
JUDGE

Whether Speaking/Reasoned: Yes/No

Whether Reportable : Yes/No