

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

**Criminal Misc. No. M-46234 of 2018
Date of decision: 07.02.2019**

Rahul

..Petitioner

Versus

State of Haryana

..Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Mr. Vikas Bishnoi, Advocate
for the petitioner.

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

Mr. Ketan Antil, Advocate for
Mr. N.S. Shekhawat, Advocate
for the complainant.

Daya Chaudhary, J. (Oral)

Petitioner-Rahul has filed the present petition under Section 439 Cr.P.C. for grant of regular bail to him in case FIR No.114 dated 08.09.2017 registered under Sections 25 and 27 of the Arms Act, 1959 and Sections 148, 149, 302, 323, 458 IPC at Police Station Nathu Sarai Chopta, District Sirsa during pendency of the trial.

Learned counsel for the petitioner submits that the petitioner was not named in the FIR and has been implicated in the case only on the basis of disclosure statement made by co-accused, which is not admissible under law as well as on the ground that the jeep, which is alleged to have been used in commission of offence, belongs to him whereas the same was not recovered from the place of occurrence. Learned counsel also submits

that co-accused of the petitioner, namely Roshan Singh and Arvind Kumar @ Kundu have been released on regular bail by this Court and the case of the petitioner is on better footing viz-a-viz his co-accused. The petitioner is in custody since 21.05.2018.

Learned State counsel as well as counsel for the complainant have not disputed the custody period as well as release of co-accused on regular bail but have opposed grant of regular bail to the petitioner on the ground of not only seriousness of offence but lathi and jeep were also recovered from him. They also submit that the disclosure statement is admissible in case, any connecting evidence is there.

Heard arguments of learned counsel for the parties and have also perused the contents of the FIR and other documents available on the file.

By considering the submissions made by learned counsel for the petitioner that the petitioner has been implicated in the case on the basis of disclosure statement made by co-accused; he is in custody since 21.05.2018; the fact that recovery of jeep and lathi have been alleged to be effected from the petitioner but not from the place of occurrence; no connecting evidence is there to prove that the lathi was used in commission of offence; his two co-accused, namely, Roshan Singh and Arvind Kumar @ Kundu have been released on regular bail by this Court; allegations are matter of evidence, which shall be tested by the trial Court during trial; the trial may take time to conclude and no purpose would be served by keeping him in custody, the present petition is allowed and the petitioner (Rahul) is

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directed to be released on regular bail on furnishing bail/surety bonds to the satisfaction of the trial Court.

07.02.2019
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(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	No