

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

**CRM-M No. 75373 of 2018
Date of decision : 08.03.2019**

Kalyan

.....Petitioner

Versus

State of Haryana

...Respondent

CORAM : HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present : Mr. Sunil Panwar, Advocate for the petitioner.

Mr. Rajesh K. Sheoran, Addl. A. G., Haryana.

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DAYA CHAUDHARY, J. (Oral)

This petition has been filed by petitioner Kalyan under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to him in case FIR No.295 dated 03.08.2018 under Section 379A of the Indian Penal Code, 1860, registered at Police Station – Dadri City, Distt. Charkhi Dadri, during pendency of the trial.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the case, whereas he was not named in the FIR. He was not arrested from the place of occurrence. No test identification parade has been conducted and the identity of the petitioner is still doubtful. As per the case of the prosecution, the petitioner is stated to have suffered disclosure statement regarding involvement in the offence and got recovered an amount of ₹3000/- from his house. Learned counsel submits that disclosure statement was recorded when the petitioner was in police custody, which is not admissible under law. No connecting evidence is there

for involvement of the petitioner as it cannot be said that the same currency notes were there. Learned counsel also submits that same allegations were there against co-accused Monu Kumar, who has been released on regular bail vide order dated 09.01.2019 passed in CRM-M No.50305 of 2018. Challan has been presented and charges have been framed. Petitioner is in custody since 04.08.2018 and no purpose would be served by keeping the petitioner in custody.

Learned State counsel has not disputed the period of custody, stage of the trial as well as release of co-accused Monu on regular bail.

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 parity with co-accused Monu Kumar and also the fact that petitioner has been implicated on the basis of disclosure statement and there is no other connecting evidence; he is in custody since 04.08.2018; trial may take some time to conclude, no purpose would be served by keeping the petitioner in custody. Accordingly, the present petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing adequate bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

08.03.2019

sunil yadav

**(DAYA CHAUDHARY)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No