

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

**Crl. Misc. No.M-54088 of 2018 (O&M)**

**Date of Decision:- 31.10.2019**

Chetan Kumar

....Petitioner

vs.

State of Haryana

....Respondent

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**CORAM:- HON'BLE MR. JUSTICE SUDHIR MITTAL**

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Present:- Mr. Sanjeev Kumar, Advocate,  
for the petitioner.

Mr. R.T. Rehdu, DAG, Haryana.

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**SUDHIR MITTAL, J. (Oral)**

**Crl. Misc.No.18056 of 2019**

Application is allowed. Annexure P-6 i.e. statement of the complainant is taken on record.

**Crl. Misc.No.M-54088 of 2018**

On the complaint of one Tej Pal, FIR No.513 dated 8.8.2018 was registered at Police Station Sadar Dadri, District Charkhi Dadri, under Sections 147, 148, 149, 323, 506, 302 and 120-B IPC. The petitioner was not named in the said FIR. The police recorded the statements of Anil @ Lal and Jai Bhagwan, both sons of Banwari, under Section 161 Cr.P.C. and on their statements petitioner was named as an accused. The incident took place on 5.8.2018 in which Deepak @ Bholu was beaten to death by the accused persons.

Learned counsel for the petitioner submits that earlier, this Court rejected the regular bail application of the petitioner on the ground

that a heinous offence had been committed. After passing of the said order, more than one year has elapsed but the trial has not significantly progressed. Out of a total of 21 PWs, only 4 have been examined till date. Three eye witnesses of the case also stand examined but none of them has supported the case of the prosecution. Thus, false implication of the petitioner cannot be ruled out.

Learned State counsel submits that aforementioned Anil @ Lal and Jai Bhagwan had named the petitioner in their respective statements recorded under Section 161 Cr.P.C. That apart, co-accused Pardeep and Kuldeep have also suffered disclosure statements naming the petitioner as an accused. *Danda* as well as motorcycle used by the petitioner have been recovered from him. Thus, there is adequate evidence on record to show that the petitioner was involved in the incident.

To start with, the petitioner was not named in the FIR. He was nominated as an accused on the statements of Anil @ Lal and Jai Bhagwan, recorded under Section 161 Cr.P.C. although neither of them is an eye witness. The alleged eye witnesses have not named the petitioner. In fact, eye witnesses Pawan son of Prem Singh and Pardeep son of Naresh have been declared hostile. The disclosure statement suffered by co-accused is no evidence in the eyes of law. Although, a weapon of attack has allegedly been recovered from the petitioner, the same would not be sufficient to prove his guilt unless supported by corroborative evidence and no such corroborative evidence is available on the record. The petitioner has been in custody for over 1 year, 2 months and 11 days as is evident from custody certificate dated 30.10.2019 prepared by Sh. Anil Kumar, Deputy Superintendent, District Prison, Jhajjar. The said custody certificate also

shows that the petitioner does not have any other criminal antecedents. The trial is not likely to be concluded at an early date as 17 more PWs remained to be examined.

Thus, I deem it appropriate to release the petitioner on regular bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate.

**October 31, 2019**  
**poonam**

**( SUDHIR MITTAL )**  
**JUDGE**

|                                  |            |
|----------------------------------|------------|
| <b>Whether speaking/reasoned</b> | <b>Yes</b> |
| <b>Whether reportable</b>        | <b>No</b>  |