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

**CRM-M No.20622 of 2020
Date of Decision : 24.09.2020**

Dharamjit @ Kala

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present : Mr. Gaurav Sethi, Advocate
for the Petitioner.

Mr. Anmol Malik, Dy. Advocate General, Haryana
for the Respondent/State.

Mr. Manoj Kaushik, Advocate
for the Complainant.

SUDIP AHLUWALIA, J. (ORAL)

The instant Petition has been filed under Section 439 of the Code of Criminal Procedure seeking Regular Bail on behalf of the Petitioner in case FIR No.417, dated 27th June, 2019, registered under Sections 302/303/212/387/201/120-B/34 of the Indian Penal Code, at Police Station Sector-7, Faridabad.

2. Short Reply on behalf of the Respondent/State affirmed by the Assistant Commissioner of Police, Crime, Faridabad has been sent up by E-mail; Be kept on record.

3. With reference to the question raised in Para No.6 of the previous Order dated 21st September, 2020, Ld. Counsel for the State on instruction from ASI Kaptan Singh, submits that the Petitioner is not seen to be present in the CCTV Footage pertaining to the Accent Car bearing Registration No.HR69-C-0638, which was got fueled up at the Petrol Pump at Sonapat, before it proceeded to the place of occurrence in Faridabad.

4. Further in Para No.3 of the Reply sent up today, even the Assistant Commissioner of Police, Crime, Faridabad has mentioned that the Petitioner was neither present at the place of occurrence or at the time of its reccee prior to the actual occurrence. It has however been mentioned that he is involved in the crime under Section 120-B and 212 of the IPC.

5. From the available material, it transpires that the incriminating circumstances against the Petitioner are that firstly the car belonging to his brother was used in the occurrence by the other accused persons, and secondly, the Petitioner and his brother had apparently sheltered the culprits involved in the occurrence. There is no tangible material to show involvement of the Petitioner in the murder conspiracy barring the Disclosure Statements of co-accused persons in Police Custody which are *per se* inadmissible. The tangible offence under Section 212 of the IPC which he is otherwise accused of, happens to be bailable.

6. In such circumstances, without commenting any further on the merits of the case against the Petitioner, but considering the long detention undergone by him since 9th July, 2019 and the fact that he was admittedly not present at or near the place of occurrence at any material time, at this stage, he is ordered to be released on bail to the satisfaction of the Ld. Trial Court/Duty Magistrate concerned.

7. Disposed off.

September 24, 2020

Dpr

(SUDIP AHLUWALIA)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No