

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

CRM-M-36043 of 2019

Date of decision: January 31, 2020

Abhishek @ Monty

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: Mr. Anshumaan Dalal, Advocate for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab.

Ashok Kumar Verma, J.(oral)

This is a petition under Section 439 Cr.P.C. seeking regular bail in a case registered against the petitioner under Sections 302, 120B, 34 IPC and Section 25 of the Arms Act at Police Station City Bahadurgarh, District Jhajjar, vide FIR No.300 dated 31.05.2018.

Learned counsel for the petitioner has contended that neither the petitioner has not been named in the FIR nor any specific role has been attributed to him. Further, co-accused, whose case stands almost on similar footing with that of petitioner, have already been granted the concession of bail by this court. There was no incriminating material against the petitioner except the so called disclosure statement made by co-accused Narender alias Noni, which was not admissible in evidence.

Learned State counsel (on instructions from ASI Ajmer, who is present in court) has opposed the prayer. He submits that petitioner cannot claim parity with the co-accused, who have been granted bail.

After hearing learned counsel for the parties and perusing the record, this court finds that even as per the disclosure statement made by co-accused Narender alias Noni, the only role attributed to the petitioner is that he alongwith co-accused Sahil and Bhagat Ram was standing near Quila Mohalla, Bahadurgrh, where Ashif and Darshan got down from the vehicle and shot Vikas dead. No recovery was effected from the possession of the petitioner. No overt act has been attributed to him. Co-accused namely, Narender @ Noni and Manjeet, whose role is similar to that of petitioner, have already been granted bail by the trial court and other co-accused Balwan Singh @ Tolla has also been granted bail by this court in 16.11.2018 in CRM-M-49245 of 2018. Petitioner has been incarcerated since 01.09.2018. Challan has already been presented. Trial of the case will take long time to conclude. Thus, I find that no useful purpose by keeping the petitioner in detention any further.

Keeping in view the facts and circumstances and without making any observation on the merits of this case, the petition is allowed and the petitioner is ordered to be released on bail, subject to the satisfaction of the concerned trial court/Illaqa Magistrate.

(ASHOK KUMAR VERMA)
JUDGE

January 31, 2020
'Rajpal'

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No