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

1. CRM-M No.44229 of 2018 (O&M)
Date of Decision: 03.03.2020

BARU @ SATISH @ KALAPetitioner
Vs
STATE OF HARYANARespondent

2. CRM-M No.40412 of 2018 (O&M)

SANJAYPetitioner
Vs
STATE OF HARYANARespondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:Mr. Akash Vashisth, Advocate
for the petitioner in CRM-M No.44229 of 2018.

Mr. Dishant D. Tuteja, Advocate
for the petitioner in CRM-M No.40412 of 2018.

Mr. Anmol Malik, A.A.G., Haryana.

RAJ MOHAN SINGH, J.(Oral)

Vide this common order, CRM-M No.44229 and 40412
of 2018 are being decided.

Petitioners seek grant of regular bail under Section 439
Cr.P.C in case bearing FIR No.67 dated 19.02.2016, registered
under Sections 395, 397 IPC and Section 25 Act. No.54 of 1959
of the Arms Act at Police Station Sadar Panipat District Panipat.

Since both the cases have arisen out of one FIR,

therefore, common facts are being noticed.

Perusal of the order dated 06.02.2020 would show that there is typographical error in second line of para No.3 of the order. The words 'did not shown' are ordered to be corrected as 'has not been shown'.

Learned counsel for the petitioner(s) submitted that the co-accused Pardeep was arrested in FIR No. 58 dated 28.03.2017 under Sections 398, 401 IPC and Sections 25/54/59 of the Arms Act. In the first disclosure statement of the aforesaid co-accused made on 29.03.2017, names of the petitioners - Baru @ Satish @ Kala and Sanjay were not disclosed. In the second disclosure statement of the aforesaid co-accused made on 30.03.2017, the complicity of the petitioners did not come to fore. Thereafter Parveen made a disclosure statement on 05.05.2017 and even in that disclosure statement no such disclosure was made in respect of the petitioner- Baru @ Satish @ Kala. In the disclosure statement of the even date i.e. 05.05.2017, he disclosed the names of Bhura and Rohit. Thereafter Rohit made a disclosure statement on 26.05.2017 and he only stated that the other boy is known to be Bhura. Rohit made a further disclosure statement on 27.05.2017 in which name of the petitioner came to fore.

Learned State counsel on instructions from ASI Ram

Niwas submitted that in the present FIR, untrace report has been filed and the same stands accepted by the Illaqa Magistrate on 03.10.2016. Thereafter, on 03.12.2016, the case was re-opened on the basis of aforesaid disclosure statements made by the co-accused.

The complicity of the petitioners would remain debatable in the light of the aforesaid facts.

At this stage, without adverting to the merits of the case, I am of the view that petitioners, who are in judicial custody can be enlarged on bail.

In view of above, both the petitions are allowed. Petitioner(s) Baru @ Satish @ Kala and Sanjay are ordered to be released on bail, subject to their furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

March 03, 2020

Atik

Whether speaking/reasoned

Whether reportable

**(RAJ MOHAN SINGH)
JUDGE**

Yes/No

Yes/No