

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

216

CRM-M-7237-2021

Date of Decision: 22.02.2021

Mahipal

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. L.S.Sekhon, Advocate, for the petitioner.

Mr. Ramesh K. Ambavta, AAG, Haryana,
assisted by ASI Prahlad.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against him vide FIR No.33 dated 24.01.2019 at Police Station Bhuna, District Fatehabad, under Sections 365/397/412/201 IPC and Section 25 of the Arms Act, wherein the complainant Sandeep has alleged that four unknown persons robbed him of his Maruti Ritz car bearing registration No.HR44G-2370, his mobile phone and an amount of Rs.1500/- at gun point. However, the mobile phone is stated to have been returned through some person after a short while.
2. Learned counsel for the petitioner has submitted that he is nowhere named in the FIR and has been nominated as an accused on the basis of an alleged disclosure statement made by the accused himself after he came to be arrested in another FIR on 28.04.2019.

The said disclosure statement is stated to have been made on 20.05.2019. It has been submitted that such like disclosure statement can hardly carry any evidentiary value and as such the petitioner is entitled to concession of regular bail.

3. Opposing the petition, learned State counsel has submitted that the petitioner is a habitual offender having been involved in 8 other cases. Learned State counsel has, however, informed that the petitioner has been behind bars since the last about 1 year and 8 months.
4. I have considered rival submissions addressed before this Court.
5. Having regard to the fact that the petitioner is said to be nominated on the basis of a disclosure statement made by the accused himself, the admissibility and veracity of which would be debatable and while noticing that the petitioner as on date has been behind bars since the last about 1 year and 8 months, further detention of the petitioner will not serve any useful purpose as the conclusion of trial will take some time. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

22.02.2021

Vimal

(GURVINDER SINGH GILL)
JUDGE

Whether speaking/reasoned: **Yes/No**
Whether reportable: **Yes/No**