

209

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

**CRM-M-12041-2021
Date of Decision: 17.12.2021**

Deepak

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Nirmal Singh, Advocate,
for the petitioner.

Mr. Anmol Malik, DAG, Haryana.

SUDIP AHLUWALIA, J. (ORAL)

This is a petition for regular bail filed on behalf of the petitioner under Section 439 Cr.P.C. in case FIR No.320 dated 28.06.2019, under Sections 148, 149 & 302 of the IPC, registered at Police Station Barwala, District Hisar.

[2]. The petitioner has remained in detention in the present case for more than 2 years and 4 months, since 26.07.2019.

[3]. The petitioner's name did not transpire as a culprit in the original FIR.

[4]. It is submitted by Ld. Counsel for the petitioner that his client is innocent and has been implicated in a false case although there is no material to show his involvement.

[5]. It is further submitted by Ld. Counsel for the petitioner that the petitioner is 75% physically handicapped and one of his arm is not functional, on account of which, he would be incapable of attacking the

victim(s).

[6]. To counter the aforesaid submission, Ld. State Counsel submits that although the petitioner was not named in the FIR, but his involvement was established from the disclosure statement of co-accused persons, namely, Vicky and Ajit, both of whom are arrested. Of course, apart from these disclosure statement, there is no other material to show the involvement of the petitioner.

[7]. In the opinion of this Court, the material relied upon by the State to justify further due detention of the petitioner at this stage would not appear to be convincing enough, since disclosure/confessional statements of accused persons in custody are inadmissible in evidence.

[8]. The Trial in any case is likely to take its substantial time to conclude, since out of 22 Prosecution Witnesses only partial evidence of the complainant has so far been recorded, and the proceedings in the Ld. Trial Court have been deferred on account of the filing of an application under Section 319 of the Cr.P.C. seeking summoning of more accused persons.

[9]. Taking the aforesaid factors into account, this Court is of the opinion that further detention of the petitioner for an indefinite period is not called for at this stage. So his prayer for regular bail is allowed and he is ordered to be released on regular bail subject to appropriate terms and conditions to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

[10]. Needless to mention that the Ld. Trial Court shall not be influenced in any manner by any of the observation noted in this order, and shall proceed on to decide the matter independently after completion of Trial on the basis of evidence that emerges before it.

[11]. Disposed off.

17.12.2021

Bhumika

**(SUDIP AHLUWALIA)
JUDGE**

- 1. Whether speaking/reasoned: Yes/No
- 2. Whether reportable: Yes/No