

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

CRM-M-29341-2021

Date of Decision : 25.11.2021

Deepak @ Neeraj

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present : Mr. Anil Bhardwaj, Advocate
for the Petitioner.

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

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.15, dated 13.01.2019, registered under Sections 148, 149, 302, 452, 506 of the Indian Penal Code, and Section 25-54-59 of the Arms Act, at Police Station Badli, District Jhajjar.

2. The FIR was lodged by one Akshay Lochab, who stated therein that on 13.01.2019 his brother Ajay had been killed by Shekhar son of Joker, Ravi son of Ranbir, Bholu and 2-3 other young boys by firing pistol shots on him.

3. The Petitioner was subsequently arrested during investigation and has remained in custody for 2 ½ years now since 19.03.2019. In the meantime, investigation was completed and Challan submitted against the Petitioner quite some time ago, after which the Charges were framed.

4. Two witnesses, out of a total of 41, have been examined on

behalf of the Prosecution.

5. Bail is now sought for by the Petitioner on the ground that there is no tangible material available against him in the case, and that he has already undergone imprisonment for an inordinately long time.

6. Admittedly, the Petitioner was not named in the FIR. The only material emerging against him happens to be either his own Confessional Statement, or the Disclosure Statements given by co-accused Sandeep @ Mistri. Such Statements do not have much evidentiary value and are *per se* inadmissible.

7. The mere fact that the Petitioner is reported to be involved in other cases, involving serious offences, in itself, is not a sufficient ground to detain him in the present case for an indefinite period at this stage since as many as 39 more witnesses are yet to be examined from the Prosecution side, and from the material gathered during investigation none of them would appear to have any direct knowledge regarding involvement of the Petitioner in the occurrence, in question.

8. In the circumstance, considering the long detention undergone by the Petitioner, at this stage, he is ordered to be released on bail to the satisfaction of the Ld. Trial Court/Duty Magistrate concerned.

9. Disposed off.

November 25, 2021

Dpr

(SUDIP AHLUWALIA)
JUDGE

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