

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

Sr. No.210

CRM-M-14896-2021

Date of decision: 19.09.2022

Aman

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Priyavrat Parashar, Advocate
for the petitioner.

Ms. Sheenu Sura, DAG, Haryana.

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DEEPAK SIBAL, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.39 dated 04.02.2019 registered under Sections 148, 149, 201, 302, 365 read with Section 120-B IPC and Section 25 of the Arms Act, 1959 at Police Station Civil Lines, Rohtak.

The petitioner alongwith his co-accused are being prosecuted for having kidnapped and murdered Harish.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case; the petitioner is in custody since 08.09.2019; all material witnesses stand examined in the petitioner's trial; the only evidence against the petitioner were the disclosure statements of his co-accused and the statement recorded by the police under Section 161 Cr.P.C. of one Jagdish who had allegedly identified the petitioner to be one of the persons who kidnapped the deceased before his murder; the statements of co-accused made by them in police custody are inadmissible in evidence; so far as Jagdish is concerned, he has appeared before the Trial Court as PW-5 and stated that he did not identify the petitioner to be one of the accused and that since in the petitioner's trial 44 prosecution witnesses still remain to be examined, the same will take a long time to conclude.

Learned State counsel opposes the grant of bail to the petitioner on the ground that the petitioner kidnapped and murdered the deceased - Harish and that he has three other criminal cases pending against him.

The petitioner is in custody for the last over 03 years; all material witnesses stand examined in the petitioner's trial; the evidentiary value of the alleged disclosure statements of the co-accused shall be debated during the course of the petitioner's trial; Jagdish who is the only person who allegedly identified the petitioner has appeared before the Trial Court as PW-5 and stated that he did not identify the petitioner to be one of the accused and that since in the petitioner's trial 44 prosecution witnesses still remain to be examined, the same is likely to take a long time to conclude.

Keeping in view the totality of the above facts, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Rohtak, the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

September 19, 2022

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(DEEPAK SIBAL)

JUDGE

Whether speaking/reasoned

Whether reportable

Yes/No

Yes/No