

206 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-8143-2023

DECIDED ON: 24th MARCH, 2023

DEVENDER @ LALA

.....PETITIONER

VERSUS

STATE OF HARYANA AND ANOTHER

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Talim Hussain, Advocate
for the petitioner.

Mr. Gagandeep Singh Chhina, AAG, Haryana.

Mr. Vinay Kumar Arya, Advocate for the respondent No.2.

SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court under Section 439 Cr.P.C., has been invoked for the grant of regular bail to the petitioner in case FIR No. 205, dated 17.06.2021, under Sections 148, 149, 307, 323, 379-B, 427 and 506 the Indian Penal Code, 1860 and Section 25 of Arms Act, 1959 registered at Police Station Hodal, District Palwal.

Learned counsel for the petitioner has contended that the name of the petitioner has been surfaced in the present petition on the basis of disclosure statement of Ravi, who has already been granted the concession of bail by the trial Court. He further contends that nothing was recovered from the possession of the petitioner. The alleged recovery of country made pistol was effected from the possession of the co-accused of the petitioner namely Ravi.

Custody certificate of the petitioner filed by the counsel for the State is

taken on record. According to which the petitioner is stated to be in custody since

09.12.2022

Considering the fact that nothing has been recovered form the possession of the petitioner, who was implicated only on the basis of disclosure statement of co-accused namely Ravi who has already been granted the concession of regular bail by the trial Court, this Court has no reason to deny the said relief to the petitioner.

In view of discussions made hereinabove, this Court is of the considered view that no useful purpose would be served by keeping the petitioner behind the bars for an indefinite period.

The petitioner is ordered to be released on bail subject to his furnishing personal and surety bonds to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate concerned.

The present petition is allowed in view of afore-said terms.

However, it is made clear that any observation made hereinabove, shall not be construed as an expression of opinion on the merits of the case.

24th MARCH, 2023
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(SANDEEP MOUDGIL)
JUDGE

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