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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M No.31668 of 2023(O&M)
Decided on :- 16.12.2023

TOFIK

... Petitioner

Versus

STATE OF HAYRANA

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Saleem Ahmed, Advocate for
for the petitioner.

Mr. Surender Singh, AAG, Haryana.

SANJIV BERRY, J. (ORAL)

The instant petition has been preferred by the petitioner under
Section 439 of the Code of Criminal Procedure for grant of regular bail to
the petitioner in the following case:-

FIR No.	Dated	Sections	Police Station
189	29.04.2022	395, 397, IPC and 25 of Arms Act (Section 365, 412 IPC added lateron)	Sadar Tauru, District Nuh

2. It is *inter alia* contended by learned counsel for the petitioner
that the petitioner has been implicated in this case on the basis of the
disclosure statement of co-accused Rahul and Altaf, which has no
evidentiary value. He submits that even otherwise both the aforesaid co-
accused have been granted concession of bail. He submits that no test

identification parade was conducted qua the petitioner and the petitioner is in custody since 30.08.2022, as such he prayed for grant of concession of bail.

3. Per contra, learned State counsel has opposed the bail application by arguing that petitioner is involved in heinous crime as such he is not entitled for grant of concession of bail, however he has not controverted the fact that challan has been presented, charges have been framed and out of 23 witnesses cited by the prosecution none of the witness has been examined till date.

4. Considering the rival submissions and perusing the record, it is not disputed that so far as the factual aspect is concerned, qua the petitioner having been implicated on the basis of disclosure statement of co-accused Rahul and Altaf, and both of them have already been granted concession of bail. The evidentiary value of such disclosure statement is to be considered during the course of trial. The petitioner is in custody since 30.08.2022 in the present case, challan has already been presented in the Court, charges have been framed on 27.03.2023 and out of 23 witnesses cited by the prosecution none of the witness has been examined till date; the conclusion of trial will take sufficient long time to ascertain criminal liability, if any, of the petitioner and no useful purpose would be served by detaining the petitioner any longer.

5. Consequently, without commenting on the merits of the case, it is observed that no purpose would be served in keeping petitioner behind bars. Therefore, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other

case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

6. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

7. Pending application(s) shall also stand disposed of.

(SANJIV BERRY)
JUDGE

16.12.2023

Gyan	i)	Whether speaking/reasoned?	Yes/No
	ii)	Whether reportable?	Yes/No