

S. No.219

2023:PHHC:162938

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

CRM-M-53848 of 2023 (O&M)

Date of Decision:19.12.2023

Manjeet

.....Petitioner

Vs.

The State of Haryana

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Arav Gupta, Advocate for the petitioner.

Mr. Randhir Singh, Addl. AG, Haryana.

DEEPAK GUPTA, J. (Oral)

By way of present petition filed under Section 439 Cr.P.C., prayer is made for grant of regular bail in case FIR No.111 dated 14.03.2022 registered under Sections 302, 34 IPC (Sections 404 and 201 IPC and Sections 61/4/20 of Haryana Excise Act added later on), registered at Police Station NIT, Faridabad.

As per allegations, dead body of deceased Deepak was found from the house of co-accused Naveen with injury marks on his person. During interrogation, said Naveen suffered disclosure statement (Annexure R-2) as per which on the night intervening 13/14.03.2022, he along with Farukh, Javed and Manjeet (petitioner) had taken Deepak @ Tatu (deceased) to their rented premises, where Farukh had caught hold hands of Deepak @ Tatu and then he (Naveen) along with Javed and Manjeet (petitioner) murdered him.

Learned counsel for the petitioner contends that the only incriminating material against the petitioner is the disclosure statement of co-accused Naveen, which is not admissible in evidence. Still further, it is contended that similarly placed co-accused Farukh has already been allowed bail by a co-ordinate Bench of this Court vide order dated 22.09.2023 passed in CRM-M-

38986 of 2023 (Annexure P.4) and another similarly placed co-accused, namely, Javed has been allowed bail by this Court vide order dated 15.12.2023 in CRM-M-52000 of 2023.

Learned State Counsel could not refute the afore-said contentions. However, bail is opposed on the ground that the petitioner is involved in four other cases.

Although petitioner is involved in four other cases as per details given in the custody certificate but that in itself cannot be a ground for declining bail to him in this case.

Custody certificate placed on record also reveals that the petitioner is in custody for the last 01 year, 07 months and 22 days.

Having regard to the role attributed to the petitioner and considering that he deserves to be allowed bail on the basis of parity as similarly placed co-accused Farukh and Javed have already been allowed bail, the present petition is allowed. Petitioner is admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/ Duty Magistrate concerned, on usual terms and conditions.

December 19, 2023
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(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No