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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-59470-2023
Date of decision: 01.12.2023

DEEPAK @ LALA

...Petitioner

VERSUS

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Rajesh Bansal, Advocate
for the petitioner.

Mr. Vishal Kashyap, DAG, Haryana.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No.346 dated 26.06.2023, under Sections 323, 325, 34 and 506 of the IPC (Section 307 of the IPC added later on), registered at Police Station Industrial Sector 29 Panipat, District Panipat, Haryana.

2. Learned counsel for the petitioner submitted that the petitioner is in custody from 11.07.2023 and it is a case where the provision of Section 307 of the IPC was added later on. He further submitted that the name of the petitioner does not find mention in the FIR and it was thereafter, on the basis of disclosure statement of the other co-accused that his name was nominated and even otherwise also, the role attributed to the petitioner as per the disclosure

statement of the other co-accused is only with regard to giving of fist blows to the complainant. He further submitted that the disclosure statement of co-accused is not admissible in evidence *per se* and investigation of the case has been completed by the police and thereafter, challan has also been presented before the competent Court. He also submitted that the petitioner has clean antecedents and he is not involved in any other case and therefore, he may be considered for the grant of regular bail.

3. On the other hand, Mr. Vishal Kashyap, DAG, Haryana submitted that it is correct that the petitioner is in custody from 11.07.2023 and he has clean antecedents and the investigation of the case has already been completed by the police and thereafter, challan has also been presented. He further submitted that the role of the petitioner was of giving fist blows to the complainant and his name was nominated on the basis of disclosure statement of the other co-accused.

4. I have heard the learned counsel for the parties.

5. This Court is of the view that considering the aforesaid role of the petitioner and the fact that the petitioner has clean antecedents and he is not involved in any other case and the investigation of the case has already been completed by the police, the petitioner deserves the concession of regular bail. Furthermore, it is not the case of the learned State counsel that in case the petitioner is released on bail, then he may influence any witness or may tamper with evidence or may flee from justice.

6. Consequently, the present petition is allowed. The petitioner shall be released on regular bail, if not required in any other case, subject to

furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

7. However, anything observed hereinabove shall not be treated as an expression of opinion on the merits of the case and is meant for the purpose of deciding the present petition only.

01.12.2023
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No