





police. Learned counsel has further argued that the petitioner has been implicated in the present case based solely on the disclosure statement purportedly made by co-accused Deepak Malhotra, which holds limited evidentiary value.

Learned counsel also points out that the petitioner has been in custody since his arrest on 04.10.2024 and the investigation is still pending, which clearly indicate that the trial would take considerable time to conclude. Furthermore, it has been urged that no further recovery is pending from the petitioner, his continued incarceration would serve no useful purpose.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions, has not disputed that the name of the petitioner did not appear in the secret information or in the FIR and that his implication in the present case is based solely on the disclosure statement suffered by the co accused. Learned State counsel has also not disputed the custody period of the petitioner. However, learned State counsel, on instructions has submitted that the recovery of .12 bore alongwith 6 live cartridges were recovered from the petitioner on the day of his arrest.

4. I have heard learned counsel for the parties and perused the material placed on record.

5. The petitioner has now been in custody for over a month since his arrest on 04.10.2024. Moreover, as acknowledged by the learned State counsel, the petitioner came to be nominated as an accused only on the basis of disclosure statement allegedly suffered by



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the co-accused. The petitioner is not shown to be involved in any other case of similar nature.

6. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of regular bail to the petitioner. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

7. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

8. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

08.11.2024  
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(MANJARI NEHRU KAUL)  
JUDGE

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|----------------------------|--------|
| Whether speaking/reasoned: | Yes/No |
| Whether reportable :       | Yes/No |