

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-11315 of 2018

DATE OF DECISION:13.09.2018

Joginder Singh

.....Petitioner

Versus

State of Haryana

.....Respondent

BEFORE:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. RS Tacoria, Advocate
for the petitioner.

Mr. Manish Dadwal, AAG, Haryana.

DAYA CHAUDHARY, J.

The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to petitioner-Joginder Singh in case FIR No. 433 dated 26.8.2017 registered under Sections 124A,120B,188,148,149,436 and 506 IPC, Sections 3 and 4 of Prevention of Damage to Public Property Act, 1984, Sections 3 and 4 of Explosive Substances Act, 1908 at Police Station Shahabad, District Kurukshetra.

Learned counsel for the petitioner contends that the petitioner has falsely been implicated in this case without having any sufficient evidence. The petitioner was not identified by the police and there was no connecting evidence to involve him in the commission of crime. Learned counsel further contends that the petitioner has been implicated in this case only on the basis of disclosure statement made by co-accused-Amrik Singh, who has been released on regular bail by this Court vide order dated 8.2.2018. Learned counsel also contends that co-accused, namely,

Gurvinder Singh and Sanjeev Kumar have also approached this Court by way of filing Crl. Misc. Nos. 44522 and 47208 of 2017, respectively, and they were ordered to be released on regular bail on 18.12.2017. It is also the argument of learned counsel that in all the cases pending against the petitioner, he is on bail. The petitioner is in custody for the last more than eleven and a half months.

Learned counsel for the respondent-State has not disputed the custody period as well as the fact that the petitioner is on bail in other cases but opposed grant of bail to the petitioner on the ground that he is habitual offender as four more cases are pending against him.

Heard the arguments advanced by learned counsel for the parties and have also gone through the contents of the FIR and other documents available on the file.

Admittedly, the petitioner was not named in the FIR and he was named in the disclosure statement made by co-accused-Amrik Singh, who has already been released on regular bail by this Court on 8.2.2018. Co-accused, namely, Gurvinder Singh and Sanjeev Kumar have also been released on regular bail by this Court vide order dated 18.12.2017. Challan has been presented but charges are yet to be framed. Trial may take long time to conclude and no purpose would be served by keeping the petitioner behind the bars. Accordingly, the present petition is allowed and petitioner-Joginder Singh is directed to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of trial Court.

September 13, 2018
pooja

(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No