

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

CRM-M No.2096 of 2019

Date of Decision: 24.01.2019

Jaswinder @ Jassu

....Petitioner

Versus

State of Haryana

....Respondent

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. Jagjeet Beniwal, Advocate
for the petitioner.

Mr. Chetan Sharma, A.A.G., Haryana.

DAYA CHAUDHARY, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C for grant of regular bail to petitioner, namely, Jaswinder @ Jassu in case FIR No.650 dated 02.10.2018 registered under Sections 147, 149, 323, 341, 342, 365, 506 (Section 367 IPC added later on) at Police Station City Bhiwani, District Bhiwani.

Learned counsel for the petitioner submits that the name of the petitioner is not mentioned in the FIR and there are no allegations of kidnapping or beating. Even no recovery was effected from the petitioner. The allegations of kidnapping are against two persons, namely, Parveen and Leela. The allegation of beating is against Parveen, Leela and Manjeet. There were three injuries found on the person of the complainant and the same have been attributed to said three accused. Petitioner is in custody since 02.10.2018. There was delay of three days in conducting the medical examination. Co-accused of the petitioner, namely, Rajnesh Kumar has been

released on anticipatory bail vide order dated 18.12.2018 passed in **CRM-M No.55837 of 2018**.

Learned State counsel has not disputed the custody period and release of co-accused on anticipatory bail but he has opposed the submissions made by learned counsel for the petitioner for grant of bail to the petitioner. As far as role of the petitioner is concerned and also the fact that there is a specific mention that four persons were there, no recovery was effected from the petitioner.

By considering the fact that the name of the petitioner was not mentioned in the FIR and no specific role has been attributed to him; no recovery was effected; co-accused of the petitioner, namely, Rajnesh Kumar has been released on anticipatory bail; only the investigation has been completed and even the charges have not been framed; the trial may take some time to conclude and no useful purpose would be served by keeping him behind bars, the present petition is allowed and petitioner, namely, Jaswinder @ Jassu is directed to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court.

(DAYA CHAUDHARY)
JUDGE

24.01.2019
gurpreet

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No