

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

CRM No.M-19054 of 2018 (O&M)

Date of Decision: January 30, 2019

Sadho Devi through LRs

...Petitioner

VERSUS

Joginder @ Jogi and another

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Ms.Loveleen Dhaliwal, Advocate
for the petitioner.

Mr.G.S.Sawhney, Advocate
for respondent No.1.

Mr.Tanuj Sharma, AAG, Haryana
for respondent No.2-State.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 439(2) Cr.P.C. for cancellation of regular bail granted to respondent No.1 in case FIR No.538 dated 05.06.2017 under Sections 302/34, 120-B, 467, 468, 471, 201 IPC and Section 25 of the Arms Act, registered at Police Station City, Jind.

Notice of motion was issued. Learned counsel for respondent No.1 appeared and contested the petition. Learned State counsel also appeared.

I have heard learned counsel for the parties as well as learned State counsel and have gone through the record.

From the record, I find that learned Addl. Sessions Judge, Jind,

vide order dated 28.03.2018, granted regular bail to respondent No.1- Joginder @ Jogi. The perusal of the record shows that there is no allegation in the FIR against respondent No.1. He is not one of the main accused nor he is the main conspirator. As per the FIR, suspicion was on Suman, widow of elder son of complainant namely Joginder and her family member. One Dalbir, cousin of Anand (deceased) had a property dispute, who in turn had hatched a conspiracy and engaged contract killer Banarsi and Vijender. Regular bail has been granted on 28.03.2018 and accused-respondent No.1 was in custody since 23.06.2017.

Keeping in view the above facts that respondent No.1 is not the main accused or conspirator nor has enmity with the deceased etc. and is not directly involved in the case and in view of the fact that regular bail has been granted on the basis of parity, I do not find any ground to cancel the regular bail by the Court of Sessions. Furthermore, nothing has been argued that respondent No.1 is giving any threat to the witnesses or tampering with the evidence.

Therefore, finding no merit in the present petition, the same is dismissed.

January 30, 2019
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No