

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-27995-2019 (O&M)
Date of Decision:- 10.7.2019

Joginder Singh

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Rajat Mor, Advocate, for the petitioner.

Mr. Ashok Singh Choudhary, Addl. A.G. Haryana.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in a case registered vide FIR No.231, dated 17.6.2017, Police Station Sector 5, Panchkula, under Sections 224, 225, 307, 332, 353, 34, 120-B IPC and 25 of Arms Act.
2. The FIR was lodged at the instance of ASI Tara Chand, wherein it has been alleged that on 17.6.2017, he was deputed to take Deepak @ Toni and Bholu from Central Jail, Ambala, to Government Hospital, Sector 6, Panchkula, for getting necessary medical treatment provided to them. It is alleged that while they were in hospital, three

persons sprayed poisonous substance in the eyes of the police party and got released Deepak from the police and despite the efforts made by the police, said Deepak managed to flee from custody. It is further alleged therein that when the aforesaid Deepak and his companions were fleeing away and were chased by the police, the companions of Deepak fired at the police party with an intention to kill them.

3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that he was not amongst the persons who were taken to hospital but is sought to be implicated on the allegations that he had conspired with the other accused who had managed to escape.
4. Opposing the petition, the learned State counsel has submitted that the petitioner was the master mind and it had been planned that he along with Deepak would flee from custody but it was on account of last minute shifting of the petitioner to another barrack that the petitioner was unsuccessful in fleeing from the custody.
5. I have considered rival submissions addressed before this Court. The evidence against the petitioner is mainly in the nature of disclosure statement co-accused Satbir, the admissibility of which is yet to be tested during the course of trial. Since, the petitioner had neither gone to the hospital and nor had escaped and nor can be directly attributed with any step towards the escaping of Deepak, in my opinion, it is a fit case for grant regular bail more particularly keeping in view the fact that he is behind bars since the last more than 2 years. The petition, as such, is accepted and petitioner Joginder Singh is

ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

6. The present petition stands accepted accordingly.
7. It is, however, clarified that none of the observations made above shall be taken to be an expression on merits of the main case.

July 10, 2019
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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No