

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

**CRM-M-23807 of 2020
Date of Decision :18.09.2020**

Peeru Ram and another

...Petitioners

Versus

State of Haryana

.....Respondent

(Through video conferencing)

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Namit Khurana, Advocate for the petitioners.

Ms. Rajni Gupta, Addl. A.G, Haryana.

Mr. S.S. Dinarpur, Advocate for the complainant.

Harsimran Singh Sethi, J. (Oral)

A short affidavit of Mr. Kamaldeep Goyal, Superintendent of Police, Yamuna Nagar has been filed today in the Court. The said affidavit is accompanied by Annexure R-1, an order dated 14.09.2019, by which, the Investigating Officer, has been suspended for dereliction in his duties and also for not taking proper action in respect of the FIR No.109 dated 23.07.2020, due to which, one of the accused namely, Peeru Ram was granted bail by the Judicial Magistrate 1st Class, Jagadhari vide order dated 30.08.2020.

Let the outcome of these proceedings be also placed on record for the information of this Court after the same are concluded against the erring officer.

Keeping in view the order passed by this Court on 14.09.2020,

an explanation has also been received from the Judicial Magistrate 1st Class concerned, who had passed the order dated 30.08.2020 granting the bail to one of the accused, namely, Peeru Ram. Certain grounds have been raised in defence by the learned Judicial Magistrate 1st Class, so as to explain under what circumstances, the bail petition filed by accused Peeru Ram was decided on Sunday, but the reply is silent on the question, as to why, once all the facts collected during the investigation including the objections raised on behalf of the complainants, though brought to his notice have not been discussed in the order passed while considering the bail application of the accused Peeru Ram. Once, the facts are brought to the notice of the Court while considering the prayer of the accused for the grant of bail by either side, it becomes the duty of the Judicial Officer to consider all those submissions/facts while passing an order either to grant or reject the bail application.

In the present case, the objections of the complainants that they were given the possession of the land in Khasra No.19//10/2/2(4-9), 11/2(7-0) situated at Baka Mauja Bhogpur, HB No.111, Tehsil Jagadhri, District Yamuna Nagar and they remained in possession of the same for so long, have not been discussed while passing the order on the bail petition filed by the accused, namely, Peeru Ram.

Not only this, while granting the bail the Court has to see the gravity of the offence; the stage of the investigation and also the fact whether all the accused have been arrested or not including the factum whether the accused, if granted bail, is likely to interfere in the investigation/trial or not. Prima facie, none of these facts have been taken into consideration while granting the bail to Peeru Ram.

On the basis of the facts on record, no concrete finding can be recorded at this stage whether these omissions are unintentional/bonafide or otherwise. Hence, by giving the benefit of doubt, the concerned judicial officer is advised to be careful in future that the orders/judgments, which are rendered by him, are reasoned one by taking into consideration all the relevant facts/factors required to be noticed and discussed for passing the said order.

Learned counsel for the petitioners submits that as the petitioner No.1 has already been granted the benefit of regular bail, this petition has been rendered infructuous qua petitioner No.1. Learned counsel for the petitioner submits that with regard to petitioner No.2, he has instructions not to press the present petition any further.

Learned counsel for the complainants submits that the complainants be given liberty to avail their appropriate remedy in respect of order granting bail to petitioner No.1.

No liberty is required by the complainants to avail the remedy available to them under the law.

Keeping in view the above, present petition is allowed to be withdrawn by the petitioners keeping in view the facts recorded above.

A copy of this order be sent to the Administrative Judge for information.

September 18, 2020
aarti/naresh.k

(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? Yes/No
Whether reportable? Yes/No