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

**CRR No.2956 of 2019 (O&M)
Date of Decision : 05.02.2020**

Joginder

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present : Mr. Rakesh Dhiman, Advocate
for the petitioner.

Mr. Navdeep Singh, Asstt. A.G., Haryana.

SUDIP AHLUWALIA, J. (ORAL)

CRM No.261 of 2020

Prayer in this application is for placing on record a copy of the order dated 20.04.2019 passed by the Ld. ASJ, Gurgaon as Annexure P-5.

For the reasons mentioned in the application, the applicant/petitioner is permitted to place on record a copy of the order dated 20.04.2019 passed by the Ld. ASJ, Gurgaon as Annexure P-5.

CRM stands disposed off.

CRM No.34470 of 2019

Prayer in this application is for condonation of delay of 59 days in filing the present petition.

For the reasons mentioned in the application, the delay of 59 days in filing the present petition is condoned.

CRM stands disposed off.

CRM No.34468 of 2019

Allowed as prayed for.

CRR No.2956 of 2019

Perused FIR and the entire material on record.

2. The petitioner is alleged to have been a Member of the group, which attacked the Kinnars of Rajni Group on the relevant date. No specific role of the petitioner has been described in the FIR except that all the members of the group started quarrelling with the complainant's group and beating them with Kicks and Fists and Dandas (Sticks). The real implicating statement is specifically made against one accused, namely, Pinda @ Surender, who is alleged to have fired a Bullet at Rajni, which apparently killed the deceased on the spot.

3. It further transpires that as many as six (06) witnesses were examined by the Ld. Trial Court till the end of May, 2019, which included all the three (03) eye-witnesses, namely, Aman Shekh, Rajesh Malik and also the complainant Ashfaq-ul-Haq, as specified in the charge-sheet. None of them gave any statement supporting the prosecution case. Subsequently, after apprehension of two other co-accused persons, the trial has re-commenced, in which the complainant again did not support the prosecution case.

4. In such circumstances and considering the petitioner has remained in detention for more than 14 months by now, since 29.11.2018. His further detention, at this stage, would not serve any purpose. Therefore, the present petition is allowed and the impugned orders dated 06.06.2019 and 16.02.2019, are hereby set aside.

5. Consequently, the petitioner, namely, Joginder, is ordered to be released on regular bail subject to appropriate terms and conditions to the satisfaction of Ld. Trial Court/Duty Magistrate, concerned.

February 05, 2020
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(SUDIP AHLUWALIA)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No