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

**CRM-M No.8053 of 2021
Date of Decision: 15.07.2021**

JITENDER SINGH @ RIPI

.....Petitioner

Vs

STATE OF HARYANA

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Satnam Singh Gill, Advocate
for the petitioner.

Mr. Rajat Gautam, D.A.G., Haryana.

RAJ MOHAN SINGH, J.(Oral)

The case has been taken up for hearing through video conferencing.

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.215 dated 25.10.2007, registered under Sections 395, 412 IPC and Section 25 of the Arms Act, 1959 at Police Station Lakhan Majra, District Rohtak.

Learned counsel for the petitioner submitted that earlier the petitioner was released on bail on 25.03.2010 by the Addl. Sessions Judge, Rohtak. The bail of the petitioner was cancelled on 09.06.2011 for want of his presence in the Court.

Petitioner was produced by the Jail Authorities, Kurukshetra in the present case on 19.04.2019 as he was in custody in some other case since 25.08.2018.

With reference to the aforesaid facts, learned counsel for the petitioner submitted that the absence of the petitioner was not intentional. Material prosecution witnesses viz. PW-1 Joginder (owner of the Truck) PW-2 Krishan (driver of the truck) and PW-3 Sandeep (conductor of the truck) have not supported the case of the prosecution.

Owing to the aforesaid position, the co-accused namely Devender and Monu have been acquitted by the Addl. Sessions Judge vide judgment dated 05.04.2014.

Today, learned counsel for the petitioner has placed on record a copy of order dated 08.07.2021 passed by the Co-ordinate Bench of this Court in CRM No.12667 of 2020 in CRA-S No.1088 of 2020, suspending the remaining sentence in case arising out of FIR No.854 of 2018.

Learned counsel for the petitioner further submitted that in FIR No.1065 dated 24.12.2016 also the sentence of the applicant/petitioner has been suspended in criminal appeal bearing CRA-S No.311 of 2019.

On the other hand, learned State counsel submitted that the petitioner remained away from the jurisdiction of the

Court from the years 2011 to 2018 and during this period he has given birth to nine cases, including two cases under Section 174-A IPC. In three cases, petitioner has been convicted and sentenced accordingly.

In compliance of order dated 29.04.2021, learned State counsel referred to the custody certificate of the petitioner showing sentence in FIR No.854 of 2018 which was awarded to the petitioner for the offence under Section 21 of the NDPS Act vide judgment/order dated 04.02.2020 passed by the Court at Kurukshetra.

Learned State counsel also pointed out that the petitioner is still in custody in FIR No.547 of 2016 in which he was convicted by the Court at Kurukshetra vide judgment/order dated 06.06.2018.

Taking into consideration the aforesaid facts, petitioner can be granted regular bail in the present case subject to availing his remedy in the case in which he is in custody. Since all the material witnesses have not supported the case of the prosecution and co-accused have been acquitted on that premise, therefore, it would be just and appropriate to grant regular bail to the petitioner, who is in custody since 19.04.2019.

In view of above, petition is allowed. Petitioner is ordered to be released on bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial

Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.

July 15, 2021

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Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No