

106

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-15432-2021 in/and
CRM-M-12912-2021
Date of Decision: 05.07.2021

Jaswinder Singh @ Pata

.. Applicant/Petitioner

Vs.

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Lajpat Rai Sharma, Advocate for applicant-petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

...

Manoj Bajaj, J. (Oral)

CRM-15432-2021

The instant application is for pre-poning the date of hearing of the main petition to an early date.

Notice in the application.

At this stage, Mr. Sukhdeep Parmar, DAG, Haryana, accepts notice on behalf of the respondent-State and does not oppose the prayer.

Application is allowed and the date of hearing is pre-poned to today itself.

CRM-M-12912-2021

Petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail, pending trial in case FIR No.6 dated 07.01.2019 registered under Section 302 read with Section 34 Indian Penal Code, 1860, Police Station Chandimandir, District Panchkula. The petitioner is in custody since his arrest on 11.01.2019.

The FIR was registered on the statement of Narender Singh son of Sh.Jagdish, wherein it was alleged that complainant used to run a Hotel at Raipur Rani road, which was lying closed for the last one month. On 06.01.2019, at about 06.15 p.m., when he reached near his hotel, he noticed one motorcycle driven by young man with a lady pillion rider, leaving the hotel at a very high speed and went towards Raipur Rani. On suspicion, complainant checked his hotel and found a dead body lying on the back-side of his hotel. Blood was oozing out from the dead body and a without number black colour motorcycle was also found near the dead body. It was suspected that murder was committed by the above-said motorcyclist. On these broad allegations, the FIR was registered.

Learned counsel for the petitioner has argued that the prosecution case is based upon confessional statement and his co-accused, namely, Shama Parveen, who has already been released on regular bail vide order dated 06.01.2021 (Annexure P-3). It is further pointed out that twelve prosecution witnesses have been examined including the complainant. He submits that further custody of the petitioner may not be necessary and prays for bail.

On the other hand, the prayer is opposed by the learned State counsel assisted by ASI Mann Singh. However, it is not disputed that the case of the petitioner is at par with co-accused, who has already been granted the concession of regular bail by this Court.

After hearing the learned counsel for the parties, this Court finds that after commencement of trial, twelve witnesses have been examined including the complainant. Thus, the further detention of the petitioner behind the bars may not be necessary for any useful purpose, who

is presently confined in judicial custody after his arrest on 11.01.2019. The remaining witnesses are the police officials and there does not seem to be any possibility of their being won over, therefore, considering the custodial period fo the petitioner, this Court finds it to be a fit case for grant of regular bail to the petitioner.

Resultantly, without meaning any expression of opinion on the merits of the case, the petition is allowed and it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate concerned.

Petition is allowed.

05.07.2021
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No