

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 230

CRM-M-771-2022

Date of decision : 15.02.2022

Joginder Singh

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.G.S.Goraya, Advocate, for the petitioner.

Ms.Sheenu Sura, DAG, Haryana.

DEEPAK SIBAL, J. (ORAL)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.649 dated 20.09.2021 registered under Sections 307, 323, 34 IPC and Section 25 of the Arms Act, 1959 at Police Station Assandh, District Karnal.

The petitioner is being prosecuted for being part of an unlawful assembly as also for conspiracy for attempting to murder the complainant.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case; he is in custody since 27.09.2021; he does not face any other criminal case; he was not named in the FIR; investigation in this case is complete and therefore, he cannot influence the same; even if the case of the prosecution is taken as the gospel truth, though vehemently denied, it was not the petitioner who had fired upon the complainant or even was driving the motorcycle on which co-accused, who fired upon the complainant was sitting pillion; in fact no role is attributed to the petitioner in the attack on the complainant; the petitioner is only alleged to be a by-stander and that the petitioner's trial, which is yet to begin, will take a long time to conclude.

Learned State counsel opposes the grant of bail to the petitioner on the ground that the petitioner alongwith co-accused-Akashdeep was standing on the road-side with their motorcycle in conspiracy and aid of Amanpreet Singh and Ranjit Singh, who actually attacked the complainant.

In the facts of the present case, whether the petitioner played any role in the conspiracy and attack on the complainant would be debated during the course of his trial. However, the petitioner has not been attributed any overt act by the prosecution; he is in custody since 27.09.2021; he does not face any other criminal case; investigation in the case is complete, therefore, he cannot influence the same and that the petitioner's trial, which is yet to begin, will take a long time to conclude.

In view of the above, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Karnal, the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

15.02.2022
shamsher

[DEEPAK SIBAL]
JUDGE

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No