

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.**

222

CRM-M-857-2022

Date of decision: 08.08.2022

JITENDER

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present : Mr. Chander Pal Tiwana, Advocate and
Ms. Swati Tiwana, Advocate
for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

SURESHWAR THAKUR, J. (ORAL)

1. The instant petition has been filed under Section 439 of Cr.P.C., wherein, the petitioner craves for indulgence of regular bail becoming granted to him, in respect of FIR No. 433 dated 07.08.2021 registered at Police Station City Kaithal, District Kaithal, wherein, offences constituted under Sections 420, 467, 468, 471, 120-B, 201 of IPC, and, under Section 66 of Information Technology Act, 2000 (Section 201 of IPC, besides under Section 66 of Information Technology Act, 2000 were added later on), are embodied.

2. The present petitioner was on interim bail for enabling him to attend the marriage of his niece, and, nephew, but the learned counsel for the petitioner has placed on record an order made on 28.07.2022, wherein an echoing occurs, that after his surrender before the learned Judicial Magistrate First Class, Kaithal, his being ordered to

be committed to judicial custody. Consequently, since the present petitioner is in judicial custody, thereupon, the instant petition cast under Section 439 Cr.P.C. becomes maintainable.

3. Since, in respect of co-accused, this Court through orders made on 13.07.2022, upon CRM-M-782-2022, and, other connected cases, has admitted the petitioners therein to regular bail.

4. In consequence, when the role of the present petitioner is not more serious, nor, is more heinous, than the ones as attributed to the bail petitioners in petitions (supra), as such, this Court becomes constrained to admit the present bail petitioner also to regular bail, as he becomes entitled to parity of treatment alongwith the petitioners in petitions (supra).

5. The further reason prevailing upon this Court, to accord the craved for indulgence of regular bail to the present bail petitioner, is, comprised in the factum, that no evidence has been adduced, by the prosecution, suggestive that in the event of the bail petitioner being admitted to regular bail, there is every likelihood of his fleeing from justice, or, tampering with prosecution evidence, or influencing prosecution witnesses. As such, his judicial incarceration is not required to be any further prolonged, as thereupon, his personal liberty would become unnecessarily fettered, and, curtailed.

6. In aftermath, the present bail petition is allowed, and, the bail petitioner is admitted to regular bail, but subject to his furnishing personal and surety bonds in the sum of Rs.1,00,000/- each, to the satisfaction of the learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned. Moreover, he shall also make a further undertaking

before the learned Magistrate concerned, that he shall not tamper with prosecution evidence, and, shall not influence the prosecution witnesses, and, besides also his appearing before the trial Court concerned, as and when directed to make his personal appearance, unless validly exempted.

7. In case the above conditions becomes evidently breached, thereupon, it is open to the learned Public Prosecutor concerned to access this Court for rescinding the order, as made today, qua the present bail petitioner.

8. The afore observations are meant only for the disposal of the present petition, and, shall not affect the merits of the trial arising from FIR (supra).

08.08.2022
kavneet singh

(SURESHWAR THAKUR)
JUDGE

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