

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

218

CRM-M-4278 of 2022 (O&M)

DECIDED ON: 11th May, 2022

Sagar

....PETITIONER

VERSUS

State of Haryana

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Simranjeet Singh, Advocate for
Ms. Monika Jangra, Advocate for petitioner.

Ms. Dimple Jain, AAG Haryana.

AVNEESH JHINGAN, J (ORAL)

This is third petition seeking regular bail in case of FIR No.300 dated 6.10.2019, under Sections 148, 149, 323, 324, 307, 302, 212 and 506 IPC, 1860 (Section 212 of IPC added lateron) and Section 25 of Arms Act, 1959, registered at Police Station Sadar Gohana, District Sonipat.

First bail application was dismissed on 9.7.2021. Thereafter, second petition was withdrawn with liberty to approach the Court concerned.

Bail is sought on the ground that after rejection of first prayer, two co-accused were granted bail by this Court. He claims parity with co-accused Manjeet who was granted bail by passing the following order:

"This is the second petition for grant of regular bail to the petitioner in case FIR No.300 dated 06.10.2019 registered under Sections 148, 149, 323, 324, 307, 302, 506 IPC and Sections 25/54/59 of Arms Act at Police Station Sadar Gohana, District Sonapat.

The first bail petition was rejected on 17.09.2020 on merits, vide order of even date passed in CRM-M No.17779 of 2020.

Learned counsel for the petitioner submits that after passing of the aforementioned order, eye witness, namely, Shiv Kumar son of Rameshwar was examined on 22.02.2021 and he failed to recognise the petitioner in Court. Thus, it has been submitted that the petitioner has been wrongly accused of murder.

Custody certificate dated 14.08.2021 prepared by Deputy Superintendent, District Prison, Rohtak, Haryana has been circulated. The same is taken on record. According to the custody certificate, the petitioner has undergone 1 year, 10 months and 3 days and there is one other criminal case pending against him in which he has been granted regular bail.

Learned State counsel has not been able to contradict the submission made on behalf of the learned counsel for the petitioner.

Thus, keeping in view the custody period of the petitioner as well as the fact that the eye witness has failed to recognise the petitioner in Court, I deem it appropriate to grant regular bail to the petitioner.

Accordingly, the petition is allowed and the petitioner is directed to be released on bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned."

Learned State counsel on instructions is not in a position to distinguish the case of the petitioner viz-a-viz co-accused Manjeet so far as grant of bail is concerned.

Considering that the petitioner is in custody since 10.10.2019, conclusion of trial is likely to take time and on the basis of parity with co-accused, bail is granted to the petitioner on furnishing surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

The petition is allowed.

It is clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

(AVNEESH JHINGAN)
JUDGE

11th May, 2022

reema

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>