

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

CRM-M No. 3302 of 2022

Date of Decision: 22.03.2022

Pardeep

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Munish Kumar Garg, Advocate,
for the petitioner.

Mr. Tanuj Sharma, Assistant Advocate General, Haryana

(Through Video Conferencing)

SURESHWAR THAKUR, J. (ORAL)

1. The petitioner, by filing the present petition under Section 439 Cr.P.C., seeks grant of regular bail in case FIR No. 231 of 10.06.2021, which was registered against him, at Police Station Sadar Jind, District Jind, constituting therein offences under Sections 395, 450, 506 of the IPC, and, under Section 25 of the Arms Act.

2. The bail applicant-petitioner is stated to be suffering judicial incarceration since 09.11.2021.

3. The bail applicant – petitioner alongwith other co-accused is alleged to commit the offences (supra) at the crime site, inasmuch as, theirs with a common intent or joint mens rea, lifting from the complainant's liquor vend 12 crates of country-made liquor, and, also theirs looting therefrom cash worth Rs. 8,000/-.

4. The co-accused alongwith the present bail applicant-petitioner, preferred petitions respectively bearing CRM-M-43267-2021, CRM-M-28807-2021, CRM-M-40467-2021, and CRM-M-25052-2021, before this

Court, and thereons, this Court had proceeded to admit, the bail petitioners

thereins, to regular bail.

5. Be that as it may, the learned State Counsel, has not been able to make any valid submission before this Court, that the incriminatory role as assigned to the petitioner, is variant or different or is of a nature graver than the role, as, becomes assigned to the bail petitioners in petitions (supra), and qua whom affirmative orders have been made, by the Co-ordinate Bench of this Court, in their apposite petitions, cast under Section 439 of the Cr.P.C.

6. Therefore, the petitioner is to be construed to be at par with the bail petitioners qua whom the above referred bail orders were pronounced by this Court.

7. Moreover, when all the relevant recoveries, become effected at the instance of the accused, to the IO concerned, and, also when it is stated by the learned State Counsel, on instructions, meted to him, by ASI Satish Kumar, Investigating Officer, that after completion of investigations, an affirmative report under Section 173 of the Cr.P.C. has been filed, before the learned Magistrate concerned, and, thereafter, the learned trial Judge concerned, has drawn the relevant charge(s) against all the accused including the petitioner.

8. Therefore, in the wake of above, and, keeping in view the fact that the petitioner is in custody since 09.11.2021, hence this Court does not deem it fit to order for any prolongation of the judicial incarceration of the petitioner. Contrarily, it is deemed appropriate to admit to bail, the bail petitioner.

9. Consequently, the instant petition is allowed, and the bail

applicant – petitioner is ordered to be released from judicial custody, on his furnishing personal and surety bonds in the sum of ₹ 50,000/- each, before the learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned, and, also subject to his not tampering with prosecution evidence, and/or not influencing prosecution witnesses, and, also his appearing before the trial Court concerned, as and when, he is required to be making his personal appearance unless validly exempted.

March 22, 2022

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**(SURESHWAR THAKUR)
JUDGE**

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>