

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

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CRM-M-6467-2022

Date of Decision : **July 15, 2022**

JOGINDER @ GORA

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. Pankaj Bali, Advocate
for the petitioner.

Mr. Naveen Singh Panwar, DAG, Haryana.

Ms. Pallavi Babbar, Advocate
for the complainant.

JASGURPREET SINGH PURI. J. (Oral)

The present is a second petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.109 dated 22.6.2019 under Sections 148, 149, 302, 341, 120-B IPC and Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, registered at Police Station Sadar, Kaithal.

The learned counsel for the petitioner has submitted that the petitioner is in custody from 25.6.2019 which is more than 3 years and it is a case where the petitioner was not named in the FIR and it was only thereafter that on the basis of the disclosure statement his name was nominated. He submitted that the petitioner has clean antecedents and is not involved in any other case. He further submitted that all the material

witnesses including the complainant have already been examined and the other co-accused who were not named in the FIR and were nominated lateron on the basis of disclosure statement have been granted bail. He referred to Annexure P-2 whereby a co-ordinate Bench of this Court in CRM-M-10-2021 granted bail to one Surender on 21.1.2022. He submitted that the petitioner is at parity with the aforesaid Surender and apart from the same, one other person, namely, Balkar Singh who is at parity with the petitioner, has been granted bail vide CRM-M-26316-2022. He further submitted that the petitioner is behind the bars for more than 3 years and the completion of the trial may take long time and all the material witnesses have already been examined and, therefore, he may be considered for the grant of regular bail.

On the other hand, the learned State counsel has submitted that it is correct that the petitioner is in custody for more than 3 years and he is not involved in any other case. He also submitted that it is also correct that all the material witnesses including the eye-witness and the complainant have already been examined and apart from the same the other similarly situated co-accused, namely, Surender and Balkar Singh who were also not named in the FIR and nominated lateron on the basis of the supplementary statement made by the complainant have been granted bail by this Court. He has, however, opposed the grant of bail on the ground that the matter was serious in nature.

Learned counsel appearing on behalf of the complainant has also opposed the grant of bail to the petitioner on the ground that the petitioner is not at parity with the co-accused, who were granted bail and

also submitted that it is a case where the matter was serious in nature.

I have heard the learned counsels for the parties.

The petitioner is in custody from 25.6.2019. He is not involved in any other case. As per the learned counsel for the parties, all the material witnesses including the complainant have since been examined. Two other co-accused, namely, Surender and Balkar Singh who were also not named in the FIR but nominated on the basis of supplementary statement of the complainant have been enlarged on bail by this Court. The petitioner is also at parity with the aforesaid two co-accused. Furthermore, it is not the case of the State that in case the petitioner is released on bail then he may influence any witness or may tamper with any evidence or may flee from justice.

Therefore, considering the aforesaid facts and circumstances of the present case, the present petition is allowed. The petitioner is ordered to be released on bail on furnishing of bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

July 15, 2022
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(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No