

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

230

CRM-M-19700-2022

Date of Decision: 16.05.2022

Jora Singh

.....Petitioner

V/s.

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

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

Mr. RS Arya, Addl. AG Haryana

JASGURPREET SINGH PURI, J. (Oral)

The present 2nd petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.189 dated 09.09.2021 under Sections 307, 323, 341, 506, 148, 149, 34 IPC and Sections 25 & 27 of Arms Act, 1959 (Sections 148, 149 IPC and Section 27 Arms Act, 1959 added later on), registered at PS Titram, District Kaithal.

It has been submitted by learned counsel for the petitioner that the petitioner is in custody since about 7 months and material witnesses including the complainant, namely, Tarsem have already been examined and in fact the complainant has not supported the prosecution version and has turned hostile. It is further submitted that although the petitioner is involved in 5 more cases out of which he has been acquitted in 4 cases and in one case, he is undertrial. He further submitted that even otherwise also compromise has been arrived at between the complainant and the accused persons, vide Annexure P2. He further submits that co-accused namely Sandeep has been granted regular bail vide Annexure P6 and the petitioner, therefore, is also entitled for the same.

Learned State counsel has submitted that the petitioner is in custody since about 7 months and the complainant and other material witnesses have been examined and the complainant has not supported prosecution version and has turned hostile. He further submitted that so far as the compromise is concerned, the same has no significance for the purpose of bail and so far as the bail granted to other co-accused are concerned, it is correct that the petitioner is at parity with them. As per State counsel, the petitioner is involved in 7 cases and out of which 3 cases are pending.

I have heard learned counsel for the parties.

The petitioner is in custody for about 7 months. As per learned counsel for the parties, a compromise has already been effected between the parties.

Although, the petitioner is said to be involved in some other cases also but as per counsel for the petitioner other cases against the petitioner are 5 in number but according to learned State counsel, cases are 7 in number out of which, the petitioner has been acquitted in 4 cases.

Be that as it may, it is the case of the petitioner that the co-accused Sandeep has already been granted bail and the petitioner is at parity with him. Furthermore, it is not the case of the State that the petitioner may abscond from justice or may influence any witness.

Therefore, considering the facts and circumstances of the case, this Court deems it appropriate to grant bail to the petitioner.

Accordingly, the present petition is allowed and the petitioner is granted regular bail on furnishing adequate bail/surety bonds to the satisfaction of the learned trial court/CJM/Duty Magistrate, concerned.

It is made clear that the aforesaid observation would not mean anything on the merits of the case, as the same is only for the purpose of deciding the present petition.

(JASGURPREET SINGH PURI)
JUDGE

16.05.2022

V. Vishal

<i>Whether speaking / reasoned</i>	:	<i>Yes /No.</i>
<i>Whether Reportable</i>	:	<i>Yes/No</i>