

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

CRM-M-24298-2022
Date of Decision : 08.09.2022

Jagtar Singh

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. Yashwant Singh Rathore, Advocate
for the petitioner.

Mr. Naveen Singh Panwar, DAG, Haryana.

Ms. Pallavi Babbar, Advocate
for the complainant.

JASGURPREET SINGH PURI , J(ORAL)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR bearing No.109, dated 22.06.2019, registered under Sections 148, 149, 302 IPC. Sections 341, 120-B IPC and Section 3 of the Scheduled Castes & Scheduled Tribes Act, 1989 Amendment 2015 was added later, at Police Station Kaithal Sadar, District Kaithal.

It has been submitted by the learned counsel for the petitioner that the petitioner is in custody from 24.06.2019 which is more than 03 years and 02 months. He has submitted that all the material witnesses in the present case have already been examined including the complainant and three of the co-accused namely Surender, Joginder @ Gora and Balkar Singh have been extended the benefit of regular bail especially considering their role and the custody period. He further submitted that although the petitioner has been

named in the FIR but the role attributed to the petitioner is of inflicting blow on

wrist of the deceased. He further submitted that the petitioner is not involved in any other case and has clean antecedents and he has been falsely implicated in the present case and he has been named in the FIR wrongfully. He submitted that be that as it may, keeping in view the long custody of the petitioner and the fact that material witnesses have already been examined, he may be considered for the grant of regular bail.

On the other hand, learned State counsel has stated that it is correct that the petitioner is in custody for more than 03 years and 02 months and all the material witnesses have already been examined. He further submitted that it is also correct that three of the aforesaid co-accused have already been granted regular bail by this Court. He submitted that as per the prosecution story, he alongwith other persons had attacked the deceased and the role attributed to the petitioner was of inflicting blow by gandasi on the wrist of the deceased.

Learned counsel appearing on behalf of complainant has opposed the grant of regular bail to the petitioner on the ground that the petitioner is specifically named in the FIR and he was a part of the unlawful assembly which caused the death of deceased and since the matter is serious in nature, he does not deserve the concession of regular bail.

I have heard learned counsel for the parties.

The petitioner has faced incarceration for more than 03 years and 02 months. As per learned counsel for the parties, the petitioner has got clean antecedents and he is not involved in any other case. Three of the aforesaid co-accused, who have already been granted regular bail by this Court, were not named in the FIR but were named on the basis of either disclosure statement or

already been examined and it is not the case of the State that in case the petitioner is released on bail, then he may influence the witnesses or may abscond from justice.

Therefore, considering the aforesaid facts and circumstances, this Court is of the view that the petitioner deserves the concession of regular bail.

Consequently, the present petition is allowed. The petitioner is ordered to be released on bail on furnishing of bail bonds/surety bonds to the satisfaction of the concerned Chief Judicial Magistrate/Trial Court/Duty Magistrate.

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

08.09.2022
mamta

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No