

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

243

CRM-M-25633 of 2022
Date of Decision:20.12.2022

Lakhbir Singh

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Nitish Yadav, Advocate,
for the petitioner.

Mr. Naveen Singh Panwar, DAG, Haryana

JASGURPREET SINGH PURI, J. (Oral)

This third petition has been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No.102 dated 12.06.2020, under Section 379 IPC (Sections 379-B, 412, 302, 34 IPC added later on), registered at Police Station Dujana, District Jhajjar.

It has been submitted by the learned counsel for the petitioner that the petitioner is in custody from 16.06.2020, which is almost 2½ years and the investigation of the case has already been completed and thereafter the report under Section 173 of the Code of Criminal Procedure has been submitted to the competent Court and the trial has commenced and now four prosecution witnesses

including the complainant have already been examined. He submitted that in fact all the material witnesses have since been examined in the present case. He further submitted that in the present case the name of the petitioner was nominated on the basis of a disclosure statement of a co-accused namely Tarun @ Tannu and on his disclosure statement as well another accused namely Inderjeet Singh was nominated. He submitted that the aforesaid co-accused namely Inderjeet Singh and Tarun @ Tannu have already been granted bail by a co-ordinate Bench of this Court in CRM-M Nos.47138 and 52167 of 2021 on 29.04.2022. He further submitted that the present petitioner is at parity with the aforesaid Inderjeet Singh who has been granted bail and rather the main accused who was arrested at the first instance namely Tarun @ Tannu has also been granted bail by this Court. He further submitted that the petitioner is not a habitual offender and is not involved in any other case and therefore considering the aforesaid facts and circumstances coupled with the fact that the petitioner has undergone about 2½ years therefore he may be considered for the grant of regular bail

On the other hand, Mr. Naveen Singh Panwar, learned DAG, Haryana has stated that it is correct that the petitioner is in custody from the last 2½ years and four prosecution witnesses including the complainant have already been examined in the present case and it is also correct that the co-accused namely Inderjeet Singh and Tarun @ Tannu have already been extended the benefit of bail by this Court. He has however submitted that so far as the present petitioner is concerned, there was a recovery of iron rod and iron *Panna* from him and therefore he cannot be stated at parity with the aforesaid Inderjeet Singh.

I have heard the learned counsel for the parties.

It is a case where the petitioner has faced incarceration for about 2½

years. The other co-accused namely Inderjeet Singh and Tarun @ Tannu have already been extended the benefit of bail by this Court vide Annexure P-8. The material witnesses including the complainant have already been examined and the petitioner is not stated to be a habitual offender and is not involved in any other case as per the learned counsel for the parties. Furthermore, it is not the case of the State nor it has been argued by the learned State counsel that in case the petitioner is released on bail, then he may abscond from justice or he may repeat the offence.

In view of the aforesaid facts and circumstances, the present petition is allowed. The petitioner shall be released on regular bail if not required in any other case subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

(JASGURPREET SINGH PURI)
JUDGE

December 20, 2022

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Whether speaking	:	Yes/No
Whether reportable	:	Yes/No