

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

206

**CRM-M-23754 of 2022
Date of Decision: 01.06.2022**

Joginder Sah @ Yogindra Sah

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present:- Mr. Tanvir Singh Attariwala, Advocate
for the petitioner.

Mr. Bhupinder Beniwal, AAG, Punjab.

SURESHWAR THAKUR, J. (Oral)

1. The instant petition has been filed under Section 439 Cr.P.C for grant of regular bail to the petitioner in FIR No.19 dated 03.03.2022 under Section 328, and, under Section 379 of IPC, registered at Police Station GRP (Govt. Railway Police), District Jalandhar.

2. The present bail-petitioner along with the co-accused is alleged to, after administering poison to the victim, cause, thefts of mobile phones, and, cash amounting to Rs.8000/-.

3. The learned State counsel submits, that though in the FIR, the victim did not reveal, the names of the accused, as, they were unknown to him, but subsequently a test identification parade became conducted by the IO concerned, wherein, the victim had made his participations, and, therein had fixed the identity of the present bail-petitioner as well as of other co-accused, as incriminatory participants in the relevant offence.

4. Be that as it may, the petitioner is in custody since 10.03.2020, and, when it is also stated at the bar by the learned State counsel, on instructions, given by ASI Kailash, that at the instance of the accused, all the

relevant recoveries have been made, to the Investigating Officer concerned.

5. In consequence, this Court does not deem it fit to prolong the judicial incarceration of the bail-petitioner, as, thereupon his personal liberty would become unnecessarily fettered and curtailed.

6. In aftermath, and, moreover, when no evidence is adduced before this Court by the Prosecution, suggestive of the fact, that in the event of the petitioner, becoming admitted to regular bail, there is every likelihood of his fleeing from justice, and, tampering with the prosecution evidence, thereupon too, this Court admits the petitioner to regular bail. However, the granting of bail to the bail applicant-petitioner, is subject to his furnishing personal, and, surety bonds in the sum of Rs.50,000/-, before the learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned, and, also subject to his not tampering with prosecution evidence, and, also his not influencing prosecution witnesses, and, besides his appearing before the trial Court concerned, as and when directed to make his personal appearances unless validly exempted.

(SURESHWAR THAKUR)
JUDGE

June 01, 2022
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Whether speaking / reasoned?
Whether reportable?

Yes / No
Yes / No