

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.**

204

CRM-M-24127-2022

Date of decision: 02.06.2022

JUGAL KISHORE

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present : Mr. Ajay Ghangas, Advocate
for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

Mr. Kunal Dawar, Advocate
for the complainant.

SURESHWAR THAKUR, J. (ORAL)

1. The instant petition has been filed under Section 439 Cr.P.C., wherein the petitioner seeks the indulgence of regular bail to him.

2. In FIR bearing No.287 of 09.11.2020, registered at Police Station Chhainsa, District Faridabad, offences constituted under Sections 148, 149, 323, 447, 452, 506 IPC, are embodied, and, to which Section 307 IPC was also added laterons.

3. Since, in respect of the petition FIR, the other co-accused concerned, as unfolded by Annexures P-4, P-5, P-6, P-7, and, P-8, have

been admitted to either anticipatory bail or to regular bail.

4. In consequence, parity of treatment is to be accorded to the bail petitioner with the bail petitioners, as reflected in the above annexures, moreso, when the prosecution has not been able to today, rather unfold any material, suggestive that the role of the present bail petitioner, is more grave or more heinous, than the ones, as attributed to the bail petitioners in the above Annexures.

5. However, the learned Counsel for the complainant has vehemently opposed the bail application.

6. Nonetheless, rather, when no evidence has been adduced by the prosecution, suggestive that in the event of the bail petitioner being admitted to regular bail, there is every likelihood of his fleeing from justice or tampering with prosecution evidence, or influencing prosecution witnesses. As such, his judicial incarceration is not required to be any further prolonged, as thereupon, his personal liberty would become unnecessarily fettered, and, curtailed.

7. In aftermath, the instant petition is allowed, and, the petitioner/bail applicant is ordered to be released from judicial custody. 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/- each, 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 learned trial Court concerned, as and when directed to make his personal appearance,

unless validly exempted.

8. It is clarified that the above made observations are strictly made only for the disposal of the present bail petition, and, shall not influence in any manner, the learned trial Judge concerned, as and when he/she deals with the trial of the FIR (Supra).

02.06.2022
kavneet singh

(SURESHWAR THAKUR)
JUDGE

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*