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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-37323-2021 (O&M)
Date of Decision:11.03.2022

Joginder @ Jagga

.. Petitioner

Vs.

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. K.D.S. Hooda, Advocate for the petitioner.

Mr. Bhupender Singh, DAG, Haryana.

...

Manoj Bajaj, J. (Oral)

Petitioner has prayed for grant of regular bail under Section 439 Cr.P.C, pending trial in case FIR No.223 dated 03.05.2021 registered under Sections 302 and 34 IPC (Section 201 IPC added later on) at Police Station Pundri, District Kaithal. The petitioner is in custody since his arrest on 05.05.2021.

The allegations as noticed by the Id. Sessions Judge, Kaithal in the order dated 31.08.2021 are as under:

“....as alleged by prosecution, on 03.05.2021 police received a telephonic information that a dead body was lying near the fields of one Lila at Baakal-Rehra road and Activa-scooty was also lying near the dead body. Police reached the spot and recorded the statement of complainant Pawan Kumar, who suspected that some unknown persons had murdered his brother Vijay Kumar with sharp edged weapons.”

Learned counsel has argued that the dead body of victim, namely, Vijay was found lying on a passage and the information was given by his brother Pawan Kumar, whereupon the FIR was registered. He

submits that according to prosecution, victim and co-accused of the

petitioner, namely, Om Parkash @ Bagri were consuming liquor when they had an altercation and after some time, the other co-accused, namely, Mahender and Rajender reached there and found that Vijay had died. According to him, at that stage, the petitioner, who is brother of co-accused Mahender was called on the spot and they shifted the dead body from the place of occurrence to a nearby passage. He states that the petitioner had reached the place of occurrence after the crime of murder had already been committed, who is being accused only for the offence punishable under Section 201 IPC. He prays for bail.

Learned State counsel assisted by SI Shiv Kumar, has argued that the petitioner participated in the crime relating to the homicidal death of Vijay. However, it is not disputed that as per the disclosure statement of co-accused Om Parkash @ Bagri, injuries to the victim were caused by the said accused, which resulted in his death. He, on instructions states that the charges have been framed on 13.10.2021, but no prosecution witness has been examined so far.

After hearing the learned counsel for the parties, this Court finds that though the charges have been framed on 13.10.2021, but the trial is yet to commence, therefore, it is evident that the conclusion of trial would take considerable time. Thus, the further detention of the petitioner behind the bars may not be necessary for any useful purpose, who is presently confined in judicial custody after his arrest.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

The petition is allowed.

11.03.2022
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No