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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.36657 of 2022
Date of Decision: 08.09.2022

JAGDISH @ JAGGA

.....Petitioner

Vs

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Babbar Bhan, Advocate
for the petitioner.

Mr. Minderjeet Yadav, D.A.G., Haryana.

RAJ MOHAN SINGH, J.(Oral)

In compliance of order dated 01.09.2022 passed by this Court, explanation by way of an affidavit of EASI Sajjan Singh has been furnished, the same is taken on record.

Perusal of the explanation would show that he was never appointed as Investigation Officer in the present FIR. The investigation of the present FIR was conducted by several Investigating Officers. The explanation is accepted.

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in his 8th attempt in case bearing FIR No.140 dated 03.05.2014, registered under Sections 302, 120-B, 34 IPC and

Section 25 of the Act No.54 of Arms Act, 1959 (later on added Section 216 IPC and Section 25 of the Arms Act has been deleted) at Police Station Kanina, District Mahendergarh.

As per allegations, the complainant-Mehar Chand has alleged that on 03.05.2014 at about 4.30 P.M., he was present on Ateli Road, Kanina in the shop of his brother Desh Raj. At that time Bahadur Singh was sitting there, who was making call from his phone. After sometime, a vehicle came to be stopped on the shop and three persons alighted from the vehicle. They struck earthen pitcher/water pot on the head of Desh Raj @ Rawan. Thereafter they started giving beatings by rods and sticks on his head. The assailants were Manjit, Pawan @ Pori and the petitioner. Brother of the complainant was murdered by giving injuries. When the assailants were causing injuries, Inderjit and Bhupender had witnessed the occurrence. After causing death of Desh Raj @ Rawan, the assailants ran away from the spot by intimidating the complainant-party with the pistol.

Learned counsel for the petitioner submits that the petitioner remained as a proclaimed offender for about one year. The allegations are collective in nature that all the accused inflicted injuries with rods and sticks on the head of Desh Raj @ Rawan. Co-accused Pawan and Manjit have already been

convicted and sentenced to life imprisonment. Co-accused Rajesh, Ashok and Sonbir have also been convicted and sentenced to undergo rigorous imprisonment for four years along with fine of Rs.5,000/- each.

Learned counsel further submits that CRR No.1430 of 2016 titled 'Kuldeep Singh vs. State of Haryana' is also pending in the High Court against the order dated 30.01.2016 passed in the application under Section 319 Cr.P.C. Remaining sentence of the co-accused i.e. convicts namely Manjit and Pawan have already been suspended by the High Court in CRM No.29462 of 2020 in CRA-D No.1273-DB of 2015 titled '*Pawan @ Pondi & Anr. vs. State of Haryana*' vide order dated 23.12.2020.

Learned counsel with reference to the custody certificate of the petitioner submits that the petitioner is in custody since 18.01.2015 i.e. more than 7 years and 2 months. Remaining sentences of the co-accused have been suspended on the basis of ratio of judgment of the High Court in **Dharam Pal vs. State of Haryana, 1994(4) R.C.R. (Criminal) 600.**

Per contra, learned State counsel on instructions from EASI Sajjan Singh submits that out of 22 prosecution witnesses, 7 witnesses have already been examined. Petitioner is also involved in number of cases.

The aforesaid fact has been controverted by learned counsel for the petitioner on the ground that the petitioner has already been acquitted in other cases and the present case is the only case in which he is in custody.

Be that as it may, at this stage, keeping in view the period of custody of the petitioner for the last more than 7 years and 2 months, I deem it appropriate to enlarge the petitioner on regular bail, without meaning anything on the merits of the case.

In view of above, petition is allowed. Petitioner is ordered to be released on bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.

September 08, 2022	(RAJ MOHAN SINGH)
Atik	JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No