

207 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-8273-2023

DECIDED ON: 24th MARCH, 2023

JITENDER @ JEETU

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Gaurav Gupta, Advocate
for the petitioner.

Mr. Gagandeep Singh Chhina, AAG, Haryana.

SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court under Section 439 Cr.P.C., has been invoked for the grant of regular bail to the petitioner in case FIR No. 110, dated 18.04.2016, under Sections 34, 341 and 379 of the Indian Penal Code, 1860 (for short 'the Act') and Section 379-A and 201 IPC added later on, registered at Police Station Chandhuth, District Palwal.

Learned counsel for the petitioner has averred that the petitioner has been falsely implicated in the present case just to increase the number of accused persons in the array of list of accused along-with Narottam and Tarif, who have already been acquitted by the trial Court vide its judgment dated 05.05.2017. The petitioner is behind the bars since 27.08.2022, as is evident from the order dated 05.05.2017 (Annexure P-2).

Learned State counsel has produced the custody certificate of the petitioner, which is taken on record. He opposes the prayer made in the present

petition on the ground that the petitioner was declared proclaimed person and

during the said period he was also involved in other cases as well.

This Court on numerous occasions has held that no doubt, at the time of granting bail, the criminal antecedents of the petitioner are to be looked into but at the same time it is equally true that the appreciation of evidence during the course of trial has to be looked into with reference to the evidence in that case alone and not with respect to the evidence in other pending cases. In such eventuality, strict adherence to the rule of denial of bail on account of pendency of other cases/convictions in all probability would lend the petitioner in a situation of denial the concession of bail.

Considering the fact that there is strong probability of acquittal of the petitioner in the present case as no recovery has been effected from him and the other two co-accused of the petitioner stands acquitted, the petitioner is, therefore, furtherance of justice, deserves the concession of regular bail.

In view of discussions made hereinabove, this Court is of the considered view that no useful purpose would be served by keeping the petitioner behind the bars for an indefinite period.

The petitioner is ordered to be released on bail subject to his furnishing personal and surety bonds to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate concerned.

The present petition is allowed in view of afore-said terms.

However, it is made clear that any observation made hereinabove, shall not be construed as an expression of opinion on the merits of the case.

24th MARCH, 2023
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(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned Yes/No
Whether reportable Yes/No