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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM No.34447 of 2023 in/ and
CRM-M No.11806 of 2023 (O&M)
Date of Decision: 23.08.2023

Jatinder @ Sonu

..... Petitioner

V/s.

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Ms. Sukriti Kaur, Advocate for
Mr. Anil Mehta, Advocate
for the applicant-petitioner.

Mr. Naveen Kumar Sheoran, DAG, Haryana.

Ms. Irvanneet Kaur, Advocate
for the complainant.

JASGURPREET SINGH PURI, J (Oral)

CRM No.34447 of 2023

1. This is an application filed under Section 482 Cr.P.C. seeking permission for placing on record the orders as at Annexures P-4 and P-5.
2. For the reasons stated in the application, the same is allowed and the said Annexures are taken on record.
3. The application stands allowed.

Main Case

4. The present is the second petition filed under Section 439 of the Code of Criminal Procedure, for grant of regular bail to the petitioner in FIR No.123 dated 30.05.2021, under Sections 148, 149, 323, 307, 506, 120-B of Indian Penal Code and Section 25 of the Arms Act and Section 201, IPC (added later on) registered at Police Station Farakpur, District Yamuna Nagar.

5. Learned counsel for the petitioner has submitted that the petitioner is in custody for 02 years, 02 months and 05 days and only 03 formal witnesses have been examined till date and the complainant has not come forward to depose before the Court. She has further submitted that it is a case where the name of the petitioner was nominated on the basis of the disclosure statement of the co-accused and the petitioner was not even present on the spot and no overt act has been attributed to the petitioner. She has further submitted that although the petitioner is involved in other cases i.e. one case under the Arms Act and another case under the Prisons Act but the petitioner is otherwise not a habitual offender and it was only on the basis of suspicion and the disclosure statements of the co-accused that the name of the petitioner was nominated. She further submitted that the other co-accused namely Sahil who is at parity with the present petitioner has already been extended the benefit of bail by this Court in CRM-M-39715 of 2022 vide order dated 16.11.2022 and one more co-accused namely Rakesh @ Lalla has since been extended the benefit of regular bail by the learned trial Court vide Annexure P-5. She further submitted that considering the aforesaid custody of the petitioner and the fact that the trial of the case may take long time and the other co-accused who are at parity with the petitioner have been extended the benefit of bail, the petitioner may also be considered for grant of bail.

6. On the other hand, learned State counsel has stated that so far as the custody of the petitioner is concerned it is correct that the petitioner is in custody for 02 years, 02 months and 05 days and only 03 witnesses have been examined who are the formal witnesses and the complainant has still not been examined.

7. I have heard learned counsel for the parties.

8. It is a case where the petitioner had faced incarceration of 02 years, 02 months and 05 days and till date only 03 witnesses have been examined who are only the formal witnesses. As per learned counsel for the parties, the complainant is not coming forward to depose before the Court. The other aforesaid two co-accused namely Sahil and Rakesh @ Lalla were stated to be at parity with the present petitioner who have been granted bail by this Court and by the learned trial Court, respectively.

9. In view of the abovesaid facts and circumstances of the case, this Court deems it fit and proper to grant bail to the petitioner. Consequently, the present petition is allowed. The petitioner shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned, if not required in any other case.

10. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

11. Since the main petition has been allowed, all the pending application(s) also stand(s) disposed of.

23rd August, 2023

Sonia Puri

(JASGUPREET SINGH PURI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No