

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-20032-2023

Date of Decision: April 27, 2023

JOGINDER ALIAS GINDA

..... Petitioner

Versus

STATE OF HARYANA

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Bhuvnesh Lakhera, Advocate for the petitioner.
Mr. Ramesh Kumar Ambavta, A.A.G., Haryana.

HARKESH MANUJA, J. (ORAL)

1. By way of present petition filed under Section 439 CrPC, prayer has been made for grant of regular bail pending trial in case FIR No.09 dated 18.01.2022 registered under Sections 380, 457 IPC, P.S. Khol, Rewari Haryana.
2. As per allegations levelled in FIR, the petitioner was implicated as accused on the basis of disclosure statement made by co-accused Deepak.
3. Learned counsel for petitioner submits that investigation in the present case already stands included with the filing of challan and co-accused Deepak has been granted concession of bail by Ld. Addl. Sessions Judge, Rewari vide order dated 02.03.2023. Learned counsel also submits that the petitioner has suffered incarceration for a period of more than four months.
4. On the other hand, learned State counsel vehemently opposes the prayer made in petition while submitting that petitioner was involved in 10 other cases out of which in two cases he stands acquitted and in one he was convicted while seven other are pending

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and thus his antecedents be also considered.

5. I have heard learned counsel for the parties and have gone through the paper-book. I find substance in the submissions made on behalf of petitioner.

6. In the present case, the petitioner was implicated merely on the basis of disclosure statement made by co-accused Deepak who has already been granted concession of bail by Ld. Addl. Sessions Judge vide order dated 02.03.20023. Besides it, investigation in the present case also stands concluded with the filing of challan and except one note of Rs.500/-, no other recovery has been effected from the petitioner who is behind the bars for a period of more than four months now and the trial is likely to take some time. More than that, as per law laid down by Hon’ble Supreme Court in “**Prabhakar Tewari Vs. State of U.P. 2020(1) R.C.R. (Criminal) 831**” and “**Maulana Mohammed Amir Rashadi Vs. State of Uttar Pradesh, 2012(1) R.C.R. (Criminal) 586**”, the allegations levelled in FIR in question are to be primarily seen for the purpose of consideration of grant of bail.

7. Without commenting upon merits of present petition, the same is allowed. Petitioner is ordered to be released on bail subject to their furnishing of adequate bail bonds/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

27.04.2023
tejwinder

(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No