

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

CRM-M-29659-2023

Date of Decision: July 03, 2023

JAKIR HUSSAIN

..... Petitioner

Versus

STATE OF HARYANA AND ANOTHER

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Sarfraj Hussain, Advocate for the petitioner.

HARKESH MANUJA, J. (ORAL)

1. By way of present petition filed under Section 439(2) CrPC, prayer has been made for seeking cancellation of regular bail granted in favour of respondent No.2 vide order dated 08.05.2023 in FIR No.72, P.S. Rojko Meo dated 17.05.2021 registered under Sections 148, 149, 341, 323, 364, 302, 120-B and 216 of IPC and Section 25 of Arms Act.
2. Learned counsel for petitioner refers to disclosure statement made by respondent No.2, before the Police authorities wherein he mentions that the deceased was brought out by him along with other accomplices from his Santro car and was given beatings. He further points out that respondent No.2 even got recovered a danda having used in the incident. Learned counsel also relies on a decision made by Supreme Court in “***State of Orissa Vs. Rajendra Prasad Bharadia 1994(3) RCR (Criminal) 118***” so as to contend that bail cannot be granted merely on the ground of completion of investigation.

3. I have heard learned counsel for petitioner and have gone through the records besides the law cited at the Bar. I am unable to find substance in the submissions made on behalf of the petitioner.
4. In the present case, respondent No.2 was granted concession of bail by this Court, primarily on the ground that he was named on the basis of disclosure made by one of his co-accused namely Pardeep @ Patwari and upon completion of investigation, there was inordinate delay in commencement of trial besides the fact that respondent No.2 was not involved in any other FIR. The evidentiary value of the disclosure made by respondent No.2 before the Police authority besides the recovery effected from him needs to be gone into during trial. As such, I do not find any reason to interfere with the order dated 08.05.2023 as no case for cancellation of regular bail is made out. Besides it, nothing substantial has been pointed out to show that the respondent No.2 ever tried to misuse the concession of regular bail granted to him. Further, the law cited at the bar does not apply to the facts and circumstances of the present case as in this case the bail has not been granted merely for the reason that investigation has been completed.
5. Thus, finding no merits in the present petition, the same is dismissed.

03.07.2023
tejwinder

(HARKESH MANUJA)
JUDGE

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

