

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

CRM-M-37905-2022(O&M)

Date of decision:-18.1.2023

Joginder @ Joga

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.Kuldeep Sheoran, Advocate
for the petitioner.

Mr.Karan Jindal, AAG, Haryana.

H.S. MADAAN, J.

1. This second petition for grant of regular bail has been filed by petitioner Joginder @ Joga, an accused in FIR No.88 dated 12.6.2018, under Sections 148, 149, 323, 302 IPC and offence under Sections 120-B, 216 IPC and Section 25 of Arms Act, added later on, registered with Police Station Bass, District Hansi. The first such petition having been filed by the petitioner bearing CRM-M-38808 of 2019 had been withdrawn on 9.7.2020.

2. Briefly stated, facts of the case as per prosecution version are that on 31.5.2018 at about 5:00/6:00 p.m., Krishan alias Kala, Jagdish, Rajesh, Joginder (present petitioner), Mandeep alias Jehari each armed with iron rods, Sonu, Kapil, Dashrath and Sanjay each having iron

bars(saria) had assaulted Ramesh Kumar father of complainant Naveen; Ramesh had suffered multiple injuries; he was taken to Baal Dharmarth Hospital, Jind for treatment from there he was given first aid and then referred to higher centre; the injured Ramesh was taken to Sapra Hospital, Hisar, where he died during treatment on account of injuries received in the incident.

3. FIR for the offences under Sections 148, 149, 323, 302, 120-B, 216 IPC and Section 25 of Arms Act was recorded. Accused including the present petitioner were arrested in this case. The petitioner had filed petition for grant of regular bail in the Court of Sessions but was unsuccessful there, as such, he had approached this Court earlier by filing CRM-M-38808 of 2019, which was however withdrawn. Now the petitioner has approached this Court again for grant of similar relief, which request is being opposed by the State counsel.

4. I have heard learned counsel for the parties besides going through the record and I find that no case for grant of regular bail to the petitioner is made out more particularly when eye-witnesses of the incident are yet to be examined as informed by the State counsel.

5. Furthermore, the allegations against the petitioner/accused are very serious and grave being part of a mob, which had assaulted Ramesh mercilessly while being armed with dangerous weapons. Though as per the custody certificate filed on behalf of the State, the petitioner is in custody for a period of 4 years, 6 months and 21 days but then he is shown to be involved in several other cases, the details of which are as under:

1. FIR No.475/2021, under Sections 42-A of Prisons Act, PS Civil Lines Hisar.
2. FIR No.47 dated 25.1.2022, under Section 42-A of Prisons Act, PS Civil Lines, Hisar.
3. FIR No.329 dated 30.10.2017, under Sections 186, 353 IPC, PS Jullana, Jind.
4. FIR No.78 dated 1.6.2018, under Sections 148, 149, 323, 452 302 IPC and 25 of Arms Act, PS Bass Akbarpur, Hisar.
5. FIR No.602 dated 19.10.2017, under Sections 25 Arms Act, 307, 34, 506 IPC, PS Meham, Rohtak.
6. FIR No.157/2017, under Sections 120-B, 148, 149, 186, 188, 307, 353 IPC, PS City Jind.

It shows that the petitioner/accused is a habitual criminal and in case he is released on regular bail, there is apprehension of his making attempt to tamper with the prosecution witnesses by giving threat or inducement to them and even that of running away, in the process delaying the trial.

6. Thus in my considered view, no case for grant of regular bail to the petitioner is made out at this stage.

7. Finding no merit in the present petition, the same stands dismissed.

However, while parting with the discussion, the trial Court is directed to expedite the trial by giving short adjournments and then to conclude it finally. The trial Court be informed that in case it is found that the direction is not being complied with in letter and spirit, then a serious

view in the matter would be taken.

18.1.2023

Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No