

CRM-M-4309-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

204

CRM-M-4309-2024

Date of Decision:- 19.04.2024

Jagmat

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. Arnav Ghai, Advocate for the petitioner.
Mr. Brijesh Sharma, AAG, Haryana.

ALOK JAIN, J. (Oral)

1. Prayer is for grant of regular bail to the petitioner in case FIR No.198 dated 10.04.2022, under Sections 148, 149, 307 of IPC (Sections 324, 120-B of IPC and Section 42 of Prisons Act, 1894 added later on), registered at Police Station Bhiwani Sadar, District Bhiwani.
2. Learned counsel for the petitioner submits that the petitioner along with other co-accused is already undergoing conviction and is lodged in the jail. He submits that on 09.04.2022, a fight took place between three other inmates and the only assertion against the petitioner is that he was also lodged in the same barrack and apparently they are part of one gang, however, no specific act/crime has been stated or committed by the petitioner even as per the disclosure statement of the main accused.
3. Custody certificate filed by learned State counsel is taken on record.
4. Learned State counsel has vehemently opposed the concession of bail to the petitioner.
5. Heard learned counsel for the parties.
6. In light of the above and considering the fact that no specific role has been attributed to the petitioner and nothing is to be recovered from his

possession and the petitioner deserves to be granted the concession of regular bail.

7. Without commenting upon the merits, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned. He shall, however, be released on the following conditions:

- i. The petitioner shall declare his ordinary place of residence and the mobile number used by him.
- ii. He will not switch off his mobile and in case of any technical glitch, he has to give an alternate number, which will be available in his absence.
- iii. He will mark his presence before the SHO concerned, after every 15 days and in case the SHO refuses to mark his presence, he is permitted to make an application before the Illaqa Magistrate, concerned.
- iv. He will not leave the country without the prior permission of the Court, for which he will submit the copy of his passport also.

8. The petitioner shall abide by the terms and conditions as imposed in addition to Section 439 of Cr.P.C.

9. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case.

10. It is made clear that the concession granted to the petitioner shall not affect or be a ground available to him to seek any relief in the other cases for which he is under incarceration and further, in case, the petitioner is found involved in any such activity once again, the State is at liberty to promptly move an appropriate application for cancellation of bail detailing out the circumstances and violation of conditions of bail.

11. However, it is made clear that this order shall not be construed as parity *qua* any other co-accused.

(ALOK JAIN)
JUDGE

April 19, 2024

Manju	Whether speaking/reasoned:-	Yes/No
	Whether Reportable:-	Yes/No