

209 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-14130-2023

DECIDED ON: 24th MARCH, 2023

SHAKTI SINGH

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Vinod Ghai, Sr. Advocate with
Ms. Kanika Ahuja, Advocate
for the petitioner.

Mr. Gagandeep Singh Chhina, AAG, Haryana.

SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court under Section 439 Cr.P.C., has been invoked for the grant of regular bail to the petitioner in case FIR No. 97, dated 10.04.2019, under Sections 379-A, 392, 397 of the Indian Penal Code, 1860 (for short 'the Act') and Section of 25 of Arms Act, 1959, registered at Police Station Lakhan Majra, District Rohtak.

Learned Senior Counsel for the petitioner has vehemently contended that no overt act has been attributed to the present petitioner as from the perusal of the FIR itself and subsequent depositions of complainant and other witness, no role is alleged to have been attributed to the present petitioner in any manner whatsoever. He has pointed out that though the petitioner is involved in six other cases out of which in four cases he is on bail and has undergone custody in one case.

It is asserted that interestingly two FIRs bearing Nos. 78 and 140 were

registered on the same date i.e. 10.04.2019 when the present case bearing FIR No. 97 was got registered, which clearly indicates the false implication of the petitioner in all the FIRs for the reasons best known to the prosecution.

Custody certificate of the petitioner filed by the counsel for the State is taken on record. As per the custody certificate the petitioner has undergone the incarceration for a period of 6 months and 3 days and is also involved in 7 other cases. However, learned State counsel submits that the petitioner is also involved in 7 other cases and out of which he is on bail only in one case.

Faced with the situation, learned Senior counsel appearing for the petitioner submits that though the petitioner has been granted the concession of bail in four cases but he has not furnished the surety bonds therefore, he is facing custody in those cases as well.

Considering the afore-said facts and the fact that the false implication of the petitioner cannot be ruled out at this stage while considering the present petition for grant of regular bail in the light of the fact that he was dragged in two other cases on that very day when the present FIR was got registered, apart from the fact that the trial is at initial stage, no useful purpose would be served by keeping the petitioner behind the bars for an indefinite period.

This Court on numerous occasions has held that no doubt, at the time of granting bail, the criminal antecedents of the petitioner are to be looked into but at the same time it is equally true that the appreciation of evidence during the course of trial has to be looked into with reference to the evidence in that case alone and not with respect to the evidence in other pending cases. In such eventuality, strict adherence to the rule of denial of bail on account of pendency of other cases/convictions in all probability would lend the petitioner in a situation of denial the concession of bail.

In view of discussions made hereinabove, this Court is of the considered view that no useful purpose would be served by keeping the petitioner behind the bars for an indefinite period.

The petitioner is ordered to be released on bail subject to his furnishing personal and surety bonds to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate concerned.

The present petition is allowed in view of afore-said terms.

However, it is made clear that any observation made hereinabove, shall not be construed as an expression of opinion on the merits of the case.

24th MARCH, 2023
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(SANDEEP MOUDGIL)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>