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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-18899-2023
DECIDED ON: 25th APRIL, 2023

KARAMDEEP SINGH BARING @ KAMARDEEP SINGH BARING

PETITIONER

VERSUS

STATE OF PUNJAB

RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Gurbir Singh Sidhu, Advocate
for the petitioner.

Mr. Mohit Chaudhary, AAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court under Section 439 of the Code of Criminal Procedure, 1973 has been invoked for grant of regular bail to the petitioner in case FIR No. 124, dated 05.12.2022, under Sections 386 and 412 of the Indian Penal Code, 1860 (for short 'IPC') and Section 25 (6) (7) of Arms Act, registered at Police Station Mehna, District Moga.

Learned counsel for the petitioner has contended that the petitioner has been falsely implicated in the present case and nothing has been recovered from the petitioner. He further submits that the co-accused of the petitioner namely Balwinder Singh has already been granted the concession of regular bail by this Court vide order dated 29.03.2023 passed in CRM-M-3325-2023 (Annexure P-5).

Custody certificate of the petitioner filed by learned State

counsel is taken on record. According to custody certificate the petitioner has suffered incarceration for a period of 4 months and 17 days and is also involved in other cases. It is submitted by learned State counsel that an amount of ₹3,00,000/- has been recovered from the house of the petitioner, which was got effected only on his disclosure statement, to which the petitioner has no explanation and therefore, the same *prima-facie* appears to be extorted amount.

Considering the fact that nothing incriminating material was recovered from the possession of the petitioner when he was taken into custody from the car, the recovery to the tune of an amount of ₹3,00,000/- was from his residence only on the basis of his own disclosure statement wherein there is no direct connecting evidence of it with the recovered contraband, this Court is of the considered view that no fruitful purpose would be served by keeping the petitioner behind the bars for an indefinite period.

The fact as far as is with regard to the involvement of the petitioner in other cases is concerned, this Court has already, in the case of ***Baljinder Singh @ Rock vs. State of Punjab, CRM-M-25914-2022, decided on 03.03.2023***, held that a right under Article 21 of the Constitution of India includes right to speedy trial and expeditious disposal.

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 the 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 afore-said discussions and the fact that there is no direct evidence regarding the involvement of the petitioner in commissioning of offence of extorting money by wrongful means and also considering the fact that the co-accused of the petitioner from a pistol was recovered has already been granted the concession of bail as recorded hereinabove, the petitioner is ordered to be released on regular bail subject to his furnishing personal/surety bonds to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate concerned.

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

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

(SANDEEP MOUDGIL)
JUDGE

25^h APRIL, 2023
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| 1. Whether speaking/ reasoned : | Yes / No |
| 2. Whether reportable : | Yes / No |