

213 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-22867-2023
DECIDED ON: 11th MAY, 2023

SANDEEP SINGH @ KOBRA

.....PETITIONER

VERSUS

STATE OF HARYANA

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Dinesh Maurya, Advocate
for the petitioner.

Mr. Gurbir Singh Dhillon, AAG, Haryana.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court under Section 439 Cr.P.C., has been invoked for the grant of regular bail to the petitioner in FIR No. 282, dated 23.09.2022, under Sections 392, 397, 34 IPC and Section 25 of Arms Act, 1959 and Section 201 IPC (added later on), registered at Police Station Sadar Ratia, District Fatehabad.

2. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case and has been nominated as an accused on the basis of disclosure statement in the other case regarding the commission of the offences of the present case. He is in custody since 06.10.2022.

3. On the other hand, learned State counsel has produced the custody certificate, which is taken on record. According to which, the petitioner has suffered incarceration for a period of 7 months and 4 days, which further depicts that he is involved in two other cases. He opposes

the prayer made in the present petition stating that the petitioner is habitual offender and .315 bore pistol has been recovered from his possession.

4. Having heard learned counsel for the parties.

5. The contention raised by learned State counsel with regard to the pendency of other cases is concerned, this Court in the case of **“Baljinder Singh @ Rock vs. State of Punjab; CRM-M-25914-2022, decided on 03.03.2023** has held that no doubt at the time of granting bail, criminal antecedents of the petitioner 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/conviction in all probability would lend the petitioner in a situation of denial the concession of bail.

6. Considering the afore-said facts and circumstances added with the facts that though .315 bore pistol has been recovered from the possession of the petitioner but neither the said weapon has been used nor any injury has been inflicted from the said weapon; challan stands presented, which shows that the conclusion of trial shall take sufficient long time, this Court is of the view that no useful purpose would be served by keeping the petitioner behind the bars for an indefinite period.

7. The petitioner is directed to be released on regular bail on furnishing personal and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

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

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

11th MAY, 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>