

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-26271-2023
DECIDED ON: 26.07.2023

GURLAL SINGHPETITIONER

VERSUS

STATE OF PUNJABRESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Tarun Sharma, Advocate for the petitioner.

Mr. Karan Puggal, DAG, Punjab.

SANDEEP MOUD GIL, J (ORAL)

1. 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.
2. 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).
3. 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 7 months and 19 days and is also involved in other cases.
4. 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 which would

21 of Constitution of India, as has been time and again discussed by this Court, while relying the judgment of the Apex Court passed in *Dataram Singh vs. State of Uttar Pradesh & Anr. 2018(2) R.C.R. (Criminal) 131.*

5. As far as the pendency of other cases and involvement of the petitioner in other cases is concerned, reliance can be placed upon the order of this Court rendered in CRM-M-25914-2022 titled as *“Baljinder Singh alias Rock vs. State of Punjab”* decided on 02.03.2023, wherein, while referring Article 21 of the Constitution of India, this Court 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 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.

6. 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.

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

8. 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

26.07.2023

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