

2023:PHHC:103132
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-37686-2023
DECIDED ON: 09.08.2023

ONKAR SINGH @ MOTI **.....PETITIONER**

VERSUS

STATE OF PUNJAB **.....RESPONDENT**

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Ms. Amarjot Kaur, Advocate for
Mr. Brijeshwar Singh Bhalla, Advocate for the petitioner.

Mr. P.S. Bajwa, Addl. AG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court has been invoked under Section 439 of Cr.P.C., seeking regular bail in FIR No.140, dated 28.05.2022, under Sections 307 and 379 of IPC (Section 302 of IPC added later on), registered at Police Station Sadar Amritsar, District Police Commissionerate Amritsar.
2. Learned counsel for the petitioner contends that the petitioner is falsely implicated in the present case, as perusal of the FIR shows that two unknown persons tried to snatch mobile phone and pulled the deceased outside auto rickshaw and she suffered injuries on her head, but later on she died. It is asserted on behalf of petitioner that during the investigation, the police obtained CCTV footage of the road, but as per the footage, neither there is auto-rickshaw nor there is any footage of the accused-petitioner, while snatching the mobile phone.
3. Learned State counsel has filed the custody certificate of the petitioner, which is taken on record. According to the custody certificate, the petitioner is behind the bars for the last 1 year, 2 months and 5 days. He submits that petitioner is involved in three other cases, meaning thereby he is a habitual offender, therefore, does not deserve the concession of bail.

have been framed on 28.05.2022 and till date no prosecution witnesses has been examined out of total 24 prosecution witnesses.

5. Be that as it may, considering the custody period suffered by the petitioner i.e., 1 year, 2 months and 5 days, wherein no prosecution witness has been examined after framing of charges on 28.05.2022, which shows that conclusion of trial will take considerable long time, this Court is of the view that, no useful purpose would be served by keeping the petitioner behind the bars, which would also be violative of principle of right to speedy trial and expeditious disposal under Article 21 of Constitution of India, as has been time and again discussed by this Court in various judgment, while relying upon the judgment of the Apex Court rendered in *Dataram Singh vs. State of Uttar Pradesh & Anr. 2018(2) R.C.R. (Criminal) 131.*

6. As far as the pendency of other cases is concerned as has been stated by learned State counsel, 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.

7. In view of the aforesaid discussions made hereinabove, the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

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

09.08.2023

Meenu

MEENU
2023.08.09
I attest to the accuracy and
integrity of this document

Whether speaking/reasoned Yes/No
Whether reportable Yes/No