

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-44803 of 2023
DATE OF DECISION :- 22.09.2023**

Rajinder Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present:- Mr. Pawan K. Sharma, Advocate for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

PANKAJ JAIN, J. (Oral)

Status report by way of affidavit filed by Suresh Kumar, HPS, Deputy Superintendent of Police (HQ), Karnal filed. The same is taken on record.

2. Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No. 87 dated 13.2.2023, registered for the offences punishable under Sections 148, 149, 323, 506, 458, 325, 201 of IPC and Section 25 of the Arms Act, at Police Station Gharaunda.

3. The petitioner is behind bars since 18.2.2023. The challan already stands presented and till date the charges have not been framed thus the trial is likely to take long time keeping in view that there are 27 cited witnesses. Learned counsel for the petitioner submits that in view of the

aforesaid fact the custody of the petitioner cannot be prolonged as a punitive measure.

4. Learned State counsel submits that the petitioner is a hard core criminal having eight cases against him including the present. The cases registered against the petitioner are as follows :-

(i) FIR No. 67 dated 05.02.2008 U/S 392 of IPC & 25/54/59 of Arms Act Police Station City, Karnal.

(ii) FIR no. 201 dated 05.05.2008 U/S 454/380 of IPC Police Station Civil Lines, Karnal, in which petitioner has been discharged from the Ld. trial Court vide order 25.10.2008.

(iii) FIR no. 206 dated 08.05.2008 U/S 454/380 of IPC Police Station Civil Lines, Karnal, in which was undergone from the Ld. Trial Court of Ms. Y.K.Behal, CJM, Karnal.

(iv) FIR no. 207 dated 08.05.2008 U/S 454/380 of IPC Police Station Civil

Lines, Kamal, in which petitioner has been discharged from the Ld.

Trial Court of Ms. Y.K.Behal, CJM, Karnal vide order 19.11.2008.

(v) FIR no. 421 dated 25.08.2007 U/S 395 of IPC & 25/54/59 of Arms Act Police Station Civil Lines, Karnal, in which accused/ petitioner has been convicted by the Ld. Trial Court vide order dated 13.01.2010.

(vi) FIR no. 607 dated 03.11.2007 U/S 395/412 of IPC & 25/54/59 of Arms Act Police Station Civil Lines, Karnal, in which accused/ petitioner has been convicted by the Ld. Trial Court vide order dated 10.02.2010.

(vii) FIR No. 140 dated 16.02.2023 U/S 457/380 of IPC Police Station Sadar, Karnal, in which he is on bail and matter is sub-judice before the Ld. Trial Court.

(viii) FIR No. 66 dated 20.2.2023 U/S 399/402 of IPC & 25/54/49 of Arms Act Police Station Madhuban, Karnal, in which he is on bail and matter is sub-judice before the Ld. Trial Court.

5. Faced with such situation, counsel for the petitioner relies upon the law laid down by the Apex Court in '*Prabhakar Tiwari vs. State of U.P.*' *reported as (2020) 1 RCR (Cri.) 831* to submit that pendency of other cases cannot be a reason to decline bail to the petitioner.
6. Keeping in view the incarceration already suffered by the petitioner, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.
7. Needless to say nothing recorded herein shall be construed to be an expression of an opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE

22.09.2023
p.singh

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No