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2023:PHHC:138513

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-45216-2023
DECIDED ON: 30th OCTOBER, 2023

RAMINDER SINGH

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Randeep Singh Dhull, Advocate
for the petitioner.

Mr. Sandeep Singh Mann, Addl. AG. Haryana.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court has been invoked under Section 439 Cr.P.C., seeking regular bail to the petitioner in FIR No.126, dated 20.08.2020, under Sections 406, 420, 467, 468, 471, 506 and 120-B IPC and Section 10 of the Immigration Act, 1983, registered at Police Station Sadhaura, District Yamuna Nagar.
2. Learned counsel for the petitioner submits that the petitioner has merely been nominated being the husband of Saloni Saluja, who is the main accused, who used to look after the certificates and documents including Adhar Card, matriculation certificate and Senior Secondary Certificate etc. facilitating for sending the persons abroad and charge an amount of Rs.5,35,000/-. It is asserted that the said amount was credited in the account of Saloni Saluja and therefore, it is a case of false implication merely for the reasons that the petitioner is the husband of the main accused-Saloni Saluja. It is further asserted that the main accused namely Saloni Shaluja has already been granted the concession of regular bail by this Court vide order dated 11.02.2022

total 17 prosecution witnesses none has been examined after framing of charges on 09.06.2022.

3. Learned State counsel has produced the custody certificate of the petitioner to demonstrate that he has suffered incarceration for a period of 01 year 8 months and 2 days. He opposes the prayer made in the present petition stating that the petitioner is involved in multiple other FIRs of similar nature meaning thereby he is a habitual offender, thus, does not deserve the concession of regular bail at this stage. Though, he does not controvert the fact that after framing of charges on 09.06.2022 out of total 17 prosecution witnesses none has been examined till date.

4. Mr. Dhull, has controverted the said fact and submits that the petitioner is on bail in all other cases except the present one.

5. Be that as it may, considering the fact that the petitioner has suffered incarceration of 1 year, 8 months and 2 days, from whom no incriminating material has been recovered and trial is moving at the snail's pace as out of total 17 prosecution witnesses none has been examined after framing of charges on 09.06.2022 so far, which curtails the right of the petitioner for speedy trial and expeditious disposal, as enshrined under Article 21 of the Constitution of India, as has been time and again discussed by this Court, while relying upon the judgment of the Apex Court passed 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 subject to his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.
8. In the afore-said terms, the present petition is hereby allowed.
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.

30th OCTOBER, 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>