

208 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-59524-2023
DECIDED ON: 11th MAY, 2023

SUMIT KUMAR ALIAS CHOTI

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Mohd. Yusuf, Advocate
for the petitioner.

Mr. Mohit Chaudhary, AAG, Punjab.

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. 45, dated 24.01.2020, under Sections 302, 34, 120-B IPC and Section 25 (Act No.54) of Arms Act, 1959 registered at Police Station Division No.5, District Ludhiana.

2. Learned counsel for the petitioner contends that neither the petitioner has been initially named in the FIR nor he was present at the spot and has been named on the basis of disclosure statement of Sonu Chabbra. He further submits that the petitioner was arrested on 08.02.2020 and challan was filed on 30.04.2020 and out of 21 witnesses, no one has been examined.

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 3 years, 2 months and 28 days as of now. He submits that the petitioner is involved in various other cases, therefore, does not deserve the concession of regular bail.

4. Having heard learned counsel for the parties.

5. Considering the custody period suffered by the petitioner i.e., 3 years, 2 months and 28 days, wherein challan stands filed and out of 21 witnesses, none has been examined, which shows that trial is likely to take some 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.

6. As far as the pendency of 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.

7. Hence, 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.

7. 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>