

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

219

CRM-M-1165 of 2024

Date of Decision: 16.04.2024

Sarabjot Singh @ Sonu

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Imaan Singh Khara, Advocate for the petitioner.

Mr. J.S. Rattu, DAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

This is a petition seeking regular bail to the petitioner in FIR No.87, dated 16.04.2022, under Sections 365, 379-B, 506 and 120-B of the Indian Penal Code, 1860 and Section 25 & 27 of the Arms Act, 1959, registered at Police Station Civil Lines, District Bathinda.

Learned counsel for the petitioner submits that the petitioner was neither named in the FIR nor any specific role has been attributed *qua* him in the FIR. He further submits that he was nominated in the supplementary statement after the alleged incident. It is also the specific stand that he was not beneficiary of any amount or transaction which has been transacted between the complainant and the other co-accused person.

Learned State counsel, on the other hand, has produced the copy of the custody certificate, which is taken on record and he prays for dismissal of the instant petition stating that the petitioner is involved in two other cases meaning thereby he is a habitual offender. He further submits that in the supplementary statement, the complainant has categorically named the present petitioner which has been identified while conducting identification parade.

Be that as it may, considering the fact that investigation is

complete, challan stands filed and charges have also been framed on 01.11.2022 and the fact that out of total 22 prosecution witnesses, only 03 have been examined so far which is sufficient to infer for this Court that the trial will take long time, no useful purpose would be served by keeping the petitioner behind the bars for uncertain period, wherein bail is a rule and jail is an exception and it would also violate the 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, 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*.

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 view of the above, petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, concerned.

The present petition is, hereby, allowed.

However, it is made clear that anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case.

16.04.2024

D.Bansal

(SANDEEP MOUDGIL)
JUDGE