

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-1554-2024
DECIDED ON: 19.01.2024

BHEEM SINGH @ BHEEM @ NARINDER SINGH
.....PETITIONER

VERSUS

STATE OF PUNJAB
.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Talwinder Singh, Advocate
for the petitioner.

Mr. Digvijay Nagpal, AAG Punjab.

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.218, dated 07.10.2020, under Sections 394, 170, 323, 34 of IPC, Sections 27 of Arms Act (Sections 398, 450 of IPC, added later on and Section 451 of IPC and Section 25 of Arms Act deleted later on), registered at Police Station Guru Harsahai, District Ferozepur.
2. Learned counsel for the petitioner submits that the petitioner was nominated as an accused merely on account of the fact that he was standing outside the house of the complainant. He further submits that no overt act has been attributed to him, as is evident from the FIR.
3. Learned State counsel has filed the custody certificate of the petitioner, which is taken on record. According to the custody certificate, the petitioner has suffered incarceration of 1 year, 4 months and 7 days. He prays for dismissal of the present petition on the ground that the petitioner is involved in two other cases.

4. Be that as it may, considering the custody period suffered by the petitioner i.e., 1 year, 4 months and 7 days, wherein after framing of charges, out of total 15 prosecution witnesses, only 3 have been examined so far, which is suffice to convince this Court that trial is likely to take long time, no useful purpose would be served by keeping the petitioner behind the bars, which would amount to infringement of his right to life and liberty, as enshrined under Article 21 of Constitution of India.

5. As far as the contention of learned State counsel with regard to 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, this Court observed that pendency of other FIRs involving the accused-petitioner cannot be a predicament to consider the case for anticipatory bail or regular bail, as the evidence of the material involved in those FIRs can be treated in those cases alone and not material in instant FIR against the accused-petitioner to hold him guilty.

6. In the light of above 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.

7. The present petition is, hereby, allowed.

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

19.01.2024

Meenu

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