

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-1768-2024
DECIDED ON: 13.03.2024

JASPREET SINGH ALIAS JASSA

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Yuvraj Singh Chauhan, Advocate,
for the petitioner.

Mr. Jasjit Singh Rattu, DAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court under Section 439 Cr.P.C., has been invoked seeking regular bail to the petitioner in case FIR No195, dated 08.11.2023, under Section 25 and 27 of Arms Act, 1959, registered at Police Station Sadar Bathinda, District Bathinda.
2. Learned counsel for the petitioner has contended that the case of the petitioner is also similarly situated with his co-accused namely Rupinderpal Singh @ Rimpa, who has already been granted the concession of regular bail by learned trial Court vide order dated 07.12.2023. It is further contended that it is a case of no injury and now nothing is to be recovered from the possession of the petitioner, who is in custody since 08.11.2023.
3. On the other hand, learned State counsel has filed the custody certificate of the petitioner, which is taken on record. He prays for dismissal of the

present petition stating that the petitioner is a habitual offender, as he is involved in various other cases and there is a recovery of weapon from his possession.

4. Heard learned counsel for the respective parties.

5. Considering the fact that it is case of no injury and the co-accused namely Rupinderpal Singh @ Rimpa who is similarly situated with the petitioner has already been granted the concession of regular bail by learned trial Court, added with the fact that challan stands presented on 08.01.2024, meaning thereby, investigation is completed and nothing is to be recovered from the petitioner, who has suffered incarceration for a period of 4 months and 4 days, this Court is of the opinion that no useful purpose would be served by keeping the petitioner behind 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. In view of the discussion made hereinabove, the petitioner is directed to be released on regular bail subject to his furnishing adequate bail/surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned.

8. However, it is clarified that nothing stated hereinabove, shall be construed to be an expression of opinion on the merits of the case.

13.03.2024

Sham
Whether speaking/reasoned
Whether reportable

(SANDEEP MOUDGIL)

JUDGE

Yes/No
Yes/No