

2024:PHHC:007332

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-1767-2024  
DECIDED ON: 19.01.2024

MONU RANA

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Sukhdeep Singh, Advocate for the petitioner.  
Mr. Gurbir Singh Dhillon, AAG 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.243, dated 31.08.2019, under Sections 307, 387, 34 of IPC, 1860 and Section 25 of Arms Act, 1959, registered at Police Station Cheeka, District Kaithal.
2. Learned counsel for the petitioner contends that the petitioner was nominated as an accused in the instant FIR on the basis of disclosure statement of co-accused Amit @ Lattu from whom the alleged recovery of motorcycle was effected apart from a pistol from which Amit @ Lattu fired a shot and hit the glass window of the shop. He further submits that though Section 307 of IPC has been incorporated in the FIR, but it is a case of no injury to any of the person involved in the scuffle.
3. Learned State counsel has filed the custody certificate of the petitioner, which is taken on record. He submits that the petitioner is not attributed any overt

act and its a case of no injury. Though, he prays for dismissal of the present petition on the ground that the petitioner is involved in other cases, therefore, does not deserve the concession of bail at least at this stage.

4. Be that as it may, considering the fact that no overt act has been attributed to the petitioner and he has suffered incarceration of 2 years, 10 months and 16 days, wherein after of framing of charges on 29.07.2021, out of total 30 prosecution witnesses, only 9 have been examined so far, which is suffice to convince this Court that trial will certainly take long time, no useful purpose would be served by keeping the petitioner behind the bars for an indefinite period, which would amount to infringement of his right to life and liberty, as enshrined under Article 21 of Constitution of India and is against the principle “bail is a rule and jail is an exception”

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 the 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.

19.01.2024

*Meenu*

(SANDEEP MOUDGIL)  
JUDGE

|                                  |               |
|----------------------------------|---------------|
| <i>Whether speaking/reasoned</i> | <i>Yes/No</i> |
| <i>Whether reportable</i>        | <i>Yes/No</i> |