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2024:PHHC:013177

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-3882-2024

DECIDED ON: 31st JANUARY, 2024

MOHD. AALIM @ AALAM

....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. B.S. Mamli, Advocate
for the petitioner.

Mr. G.S. Dhillon, AAG, Haryana.

SANDEEP MOUDGIL, J

1. The jurisdiction of this Court under Section 439 of the Code of Criminal Procedure, 1973, has been invoked 3rd time by the petitioner for the grant of regular bail in case FIR No. 146, dated 21.04.2019, under Sections 379-B read with 34 IPC and Section 25 of Arms Act, 1959, registered at Police Station Dharuhera, District Rewari.

2. Learned counsel for the petitioner has referred to an order dated 05.07.2023 passed in CRM-M-28952-2023, titled as “Noman vs. State of Haryana”, to assert that out of total 30 prosecution witnesses, only 3 have been examined including the complainant and none of them have supported the case of prosecution, therefore, in every likelihood the petitioner is likely to earn acquittal in this case, who is nominated as an accused in the present

case on the basis of disclosure statement suffered by his co-accused namely Baldev Singh.

3. Learned State counsel has filed the custody certificate of the petitioner, which is taken on record. According to which the petitioner has suffered incarceration for a period of 2 years 10 months and 7 days, as of now. He prays for dismissal of the present petition stating that the petitioner is a habitual offender and is involved various cases.

4. Faced with the situation, learned counsel for the petitioner submits that in ten cases the petitioner has earned acquittal and got convicted in 23 cases and in 12 cases the trial is pending.

5. Considering the custody period suffered by the petitioner i.e. 2 years 10 months and 27 days added with the fact that charges have been framed on 30.09.2021 and out of total 30 prosecution witnesses only 3 have been examined including the complainant and none of them have supported the case of prosecution meaning thereby, the trial is moving at snail's pace and will take considerable time to conclude, which would also curtail the right of the petitioner for speedy trial and expeditious disposal, as enshrined under Article 21 of the Constitution of India, this Court is of the considered view that the petitioner cannot be detained for an indefinite period.

6. 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.

7. In view of the aforesaid 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.

8. The present petition is allowed in the afore-said terms.

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

31st JANUARY, 2024
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(SANDEEP MOUDGIL)
JUDGE

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