

213

2024:PHHC:027075

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-5508-2024
DECIDED ON:27.02.2024

RAHUL @ LAGGA

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Aditya Sanghi, Advocate
for the petitioner.

Mr. Gagandeep Singh Chhina, AAG, Haryana.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court under Section 439 Cr.P.C. has been invoked for the grant of regular bail to the petitioner in case FIR No. 272, dated 21.08.2021, under Sections 148, 149, 323, 506, 302, 201 and 120-B IPC, registered at Police Station Sadar Narnaul, District Mahendergarh, Haryana.
2. It has been contended on behalf of the petitioner that he has been falsely implicated in the present case and he has not been named in the FIR. He has placed reliance upon an order dated 07.02.2023 (Annexure P-15) passed in CRM-M-37833-2023 vide which co-accused Vikash Yadav has already been granted the concession of regular bail and claims parity.
3. On the other hand learned State counsel has produced the custody certificate of the petitioner, which is taken on record. Though, he could not controvert the fact that the case of the petitioner is at par with the co-accused Vikash

Yadav, who has been granted the concession of regular bail by this Court, but prays for dismissal of the present petition urging that he is a habitual offender, who is involved in various other cases.

4. Heard, learned counsel for the respective parties.

5. Be that as it may, considering the fact that the petitioner has suffered incarceration of 1 year and 7 days, who is admittedly at par with the co-accused Vikash Yadav added with the facts that investigation is complete, challan stands presented and nothing is to be recovered from the possession of the petitioner, wherein conclusion of trial shall take sufficient time, no useful purpose would be served by keeping the petitioner behind bars for an uncertain period, which would curtail the right of the petitioner for speedy trial and expeditious disposal, as envisaged under Article 21 of the Constitution of India and is against the principle of criminal jurisprudence that “*bail is rule and jail is an exception*”.

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 discussions made hereinabove, the petitioner is directed to be released of regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

8. In the afore-said terms, the present petition is, hereby, allowed.

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.

27.02.2024
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(SANDEEP MOUDGIL)
JUDGE

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