

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-6942-2024 (O&M)
DECIDED ON: 15.02.2024

MAMTA YADAV ALIAS MAMTA

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Ramnish Puri, 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.10, dated 09.01.2022, under Sections 406, 420, 419, 467, 468, 471, 120-B of IPC, 1860, registered at Police Station Manesar, Gurugram.
2. Learned counsel for the petitioner contends that all the offences are triable by the Magistrate and the petitioner is in custody since 07.02.2022, wherein trial is moving at snail's pace, as is evident from the fact that out of total 106 prosecution witnesses, none has been examined so far after framing of charges on 20.03.2023.
3. Learned State counsel has filed the custody certificate of the petitioner, which is taken on record. Though, he prays for dismissal of the present petition on the ground that the petitioner is a habitual offender, as he is involved in various other cases, but could not controvert the aforesaid fact.
4. Heard, learned counsel for respective parties.

5. Considering the custody period suffered by the petitioner i.e., 2 years and 7 days, wherein out of total 106 prosecution witnesses, none has been examined so far after framing of charges on 20.03.2023, which is sufficient to infer this Court that the conclusion of trial will take considerable time, no useful purpose would be served by keeping the petitioner behind 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”.

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 light of the 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.

8. 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.

(SANDEEP MOUDGIL)
JUDGE

15.02.2024

Meenu

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