

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-8234-2024
DECIDED ON: 22.02.2024

ARUNPETITIONER

VERSUS

STATE OF HARYANARESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Gaurav Antwal, 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.229, dated 27.08.2018, under Sections 341, 342, 394, 397 and 452 of IPC, 1860 and Section 25 of Arms Act (Sections 120-B and 201 of IPC and Section 29 of Arms Act added later on), registered at Police Julana, District Jind.
2. Learned counsel for the petitioner submits that all the other co-accused persons involved in the instant FIR, who actually committed the robbery at the bank have been released on bail. He further submits that the role of the petitioner is only with the allegation of providing fire arms to the main accused persons, but was not directly involved in committing the offence in question.
3. Learned State counsel has filed the custody certificate of the petitioner, which is taken on record. He submits that the petitioner was accompanying the other co-accused namely Sunil when he went to supply the fire arms to other three main accused, which facilitated the committing of robbery in the bank at gunpoint. He further submits that the petitioner is involved in five other cases, therefore does not deserve the concession of bail.

4. Be that as it may, considering the fact that all the other co-accused persons are on bail and the petitioner has also suffered 5 years and 2 months in custody, wherein trial is moving at snail's pace, as out of total 31 prosecution witnesses, only 18 have been examined after framing of charges on 03.07.2019, no useful purpose would be served by keeping the petitioner behind bars for uncertain 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 instant FIR against the accused-petitioner to hold him guilty.

6. 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.

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.

(SANDEEP MOUDGIL)
JUDGE

22.02.2024

Meenu

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