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2024:PHHC:027102

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-9279-2024
DECIDED ON:27.02.2024

SHUGAM GUPTA
VERSUS
STATE OF HARYANA

.....PETITIONER
.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Namit Khurana, 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. 54, dated 20.01.2022, under Sections 302, 34 of IPC and Sections 25/27 of Arms Act, 1959 (Sections 473, 120-B, 201 of IPC, 1860 added later on), registered at Police Station Mahesh Nagar, District Ambala.
2. Learned counsel for the petitioner submits that the petitioner has been nominated on the basis of disclosure statement suffered by Amit @ Mitta, wherein it has been stated that he had supplied a SIM to Rajan Jandheri by throwing the same over the wall of District Prison, Kurukshetra and except that no other role has been attributed to the petitioner.
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 role attributed to the petitioner, but prays for dismissal of the present

petition urging that he is a habitual offender, who is involved in multiple other cases, as is evident from the custody certificate.

4. Heard, learned counsel for the respective parties.

5. Considering the afore-said facts and circumstances added with the fact that charges are yet to be framed and out of total 70 prosecution witnesses none has been examined so far, meaning thereby, the conclusion of trial would take considerable time, this Court is of the considered opinion that no fruitful purpose would be served by detaining the petitioner for an indefinite period, which would tantamount to infringe his right to life and liberty as envisaged under Article 21 of the Constitution of India as well as right for speedy trial and expeditious disposal. Even otherwise considering the basis principle criminal jurisprudence i.e. “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>