

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-10455-2024
DECIDED ON: 05.04.2024

AMAN

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLR MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Vikram Singh, Advocate
for the petitioner.

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

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court under Section 439 Cr.P.C. has been invoked seeking regular bail to the petitioner in case FIR No. 973, dated 18.11.2023, under Sections 148, 149, 323, 506 of the Indian Penal Code, 1860 and (Sections 325 and 308 IPC added later on), registered at Police Station Karnal City, Karnal.
2. Learned counsel for the petitioner has contended that the allegation against the petitioner is that he gave a knife blow on the eye of the injured and the said injury has been declared simple in nature.
3. Learned State counsel has filed the custody certificate of the petitioner, which is taken on record and has vehemently contended that the petitioner is a habitual offender, as has been detailed in the custody certificate as well. However, he is not in a position to deny the fact that the injury attributed to the petitioner has been declared simple in nature, as is apparent from the medico legal report.

4. Looking into the totality of facts and circumstances of the case and submissions made by learned counsel for the respective parties, since the injury attributed to the petitioner has been declared simple in nature, as is evident from the medico legal report apart from the fact that trial is likely to take long time, in the light of the fact out of 11 prosecution witnesses, none has been examined so far wherein challan stands presented on 23.01.2024 and the petitioner has suffered incarceration for a period of 04 months, which in itself is punitive in nature and no one can be punished until or unless guilty is proved beyond reasonable of any doubt.

5. This Court is sanguine of the fact that according to the proposition settled by the Apex Court that keeping somebody behind the bars, till his guilt is proved, for an indefinite period amounts 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 rule and jail is an exception”.

6. As far as the pendency of other cases is concerned as has been stated by learned State counsel, no doubt, at the time of granting bail, the criminal antecedents of the petitioner are to be looked into but at the same time it is equally true that the appreciation of evidence during the course of trial has to be looked into with reference to the evidence in that case alone and not with respect to the evidence in the other pending cases. In such eventuality strict adherence to the rule of denial of bail on account of pendency of other cases/convictions in all probability would lend the petitioner in a situation of denial the concession of bail.

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

05.04.2024

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(SANDEEP MOUDGIL)
JUDGE

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