

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

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CRM-M-10554-2024

DATE OF DECISION: 04.03.2024

AJAY @ AJIA

...PETITIONER

Versus

STATE OF HARYANA

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. D.S.Virk, Advocate for the petitioner(s).

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

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SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court has been invoked under Section 439 of Cr.P.C., for grant of regular bail to the petitioner in FIR No.319 dated 07.04.2023, under Sections 379-B, 34 IPC (Section 201 IPC added later on) registered at Police Station Civil Lines, Sirsa, District Sirsa.

Learned counsel for the petitioner has submitted that the petitioner was not named in the FIR and has been falsely implicated in this case by fabricating a false story. The petitioner has not been attributed any specific injury. The contention is that no recovery is to be made from the petitioner and charges have been framed on 19.10.2023. The petitioner has been in custody since 14.06.2023 and out of total 22 prosecution witnesses, none has been examined.

Learned State Counsel has produced custody certificate which is taken on record. As per the same, the petitioner is behind the bars for 8 months and 18 days. He is not in a position to controvert the

submission made by learned counsel for the petitioner. However, he points that the petitioner is involved in other FIRs also.

Looking into the totality of facts and the discussions made hereinabove, this Court is of the firm view that no useful purpose would be served by keeping the petitioner behind the bars for uncertain period, wherein bail is a rule and jail is an exception and it would also violate the principle of right to speedy trial and expeditious disposal under Article 21 of Constitution of India, as has been time and again discussed by this Court, while realising the judgment of the Apex Court passed in ***Dataram Singh vs. State of Uttar Pradesh & Anr. 2018(2) R.C.R. (Criminal) 131.*** As far as the pendency of other cases and involvement of the petitioner in 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, while referring Article 21 of the Constitution of India, this Court has held that 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. Further, keeping in view the facts that no specific role has been attributed to the petitioner; he was not named in the FIR, charges have been framed; the custody period and the fact that out of total 22 prosecution witnesses

none has been examined, the Court deems it appropriate to grant the

petitioner concession of bail. 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.

The present petition is allowed in the afore-said terms.

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

04.03.2024  
anuradha

Whether speaking/reasoned

Whether reportable

Yes/No

Yes/No