

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

205

**CRM-M-12423 of 2024
Date of Decision: 22.03.2024**

Pardeep @ Mass

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Sushil Bhardwaj, Advocate for the petitioner.

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

SANDEEP MOUDGIL, J (ORAL)

This is a petition seeking regular bail to the petitioner in FIR No.0325, dated 21.12.2022, under Sections 323, 365, 379-B, 506 and 201 of the IPC, 1860 and Sections 25, 25(1-A)/54/59 of the Arms Act, 1959, registered at Police Station Garhi, District Jind.

Learned counsel for the petitioner submits that the case was registered against the unknown persons and the petitioner has been nominated on the basis of the disclosure statement of the co-accused. Apart from that, there is no other incriminating material against the petitioner to connect him with the present case. It is further submitted that the injuries inflicted on the person of the complainant are blunt injuries.

Learned State counsel has filed the custody certificate of the petitioner, which is taken on record. According to the custody certificate, the petitioner has suffered incarceration for a period of 01 year, 02 months and 12 days. He prays for dismissal of the present petition on the ground that the petitioner is also involved in another case under the IPC meaning thereby he is an habitual offender.

Be that as it may, considering the custody period undergone by the petitioner i.e. 01 year, 02 months and 12 days as of now, who has been nominated as an accused on the basis of disclosure statement suffered by the co-accused added with the fact that out of total 19 prosecution witnesses, none has been examined so far after framing of charges on 09.01.2024 meaning thereby the trial is moving at snail's pace, this Court is of the view that no useful purpose would be served by keeping the petitioner behind the bars for an indefinite period.

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 view of the above, 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.

In the aforesaid terms, the present petition is, hereby, allowed.

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

22.03.2024

D.Bansal

(SANDEEP MOUDGIL)
JUDGE