

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-13216-2023
DECIDED ON: 11.03.2024

JASPAL SINGH @ HANSA

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. S.S. Maini, Advocate
for the petitioner.

Mr. Jasjit Singh Rattu, DAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court has been invoked under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No.02, dated 04.01.2022 (Annexure P-1), under Sections 307, 379-B(2), 34 of the Indian Penal Code, 1860 and Sections 25/27/54/59 of Arms Act, registered at Police Station Bagapurana, District Moga.

2. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case and there is no incriminating material coming forth against the present petitioner. Moreover, the investigation stands completed and charges have been framed. It is also his assertion that the allegation is qua firing a gun shot at another vehicle i.e. Bolero Capper bearing No.PB03-BE-2641 and that too by Manpreet Singh, who has since expired.

3. On the other hand, learned State counsel has produced the custody certificate of the petitioner today in Court, which is taken on record. Accordingly to the custody certificate, the petitioner has suffered incarceration for a period of 01 year, 03 months and 03 days.

4. At this stage, despite completion of investigation, learned State counsel is not able to refer to any incriminating material against the petitioner to implicate him in the instant case under Section 307, 379-B(2), 34 IPC. He seeks dismissal of the instant petition on the ground that the petitioner is involved in multiple cases.

5. 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.

6. In the light of aforesaid discussion and having gone through the record with the assistance of learned counsel for the petitioner, this Court is obvious of the fact that the petitioner cannot be detained behind the bars for an indefinite period, which would tantamount to violation of principle of

criminal jurisprudence i.e. *“bail is a rule and jail is an exception”*, as has been held by Division Bench of this Court in ***“Rajinder Singh versus State of Haryana”, 2022(2) RCR (Criminal) 85*** apart from the fact that Article 21 of the Constitution of India also includes right of speedy trial and expeditious disposal of the same.

7. In the light of 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.

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.

11.03.2024

Poonam Negi

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No