

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-12664-2024
DECIDED ON: 10.04.2024

PRADEEP @ RISHI
.....PETITIONER
VERSUS
STATE OF HARYANA
.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Kapil Aggarwal, Advocate
for the petitioner.

Mr. Gurbir Singh Dhillon, 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. 464, dated 27.07.2018, under Sections 120-B, 148, 149, 195-A, 302, 506 IPC and Section 25 of Arms Act, 1959 and Section 195-A deleted later on and Section 216 IPC and Section 27 of Arms Act, 1959 added later on, registered at Police Station Samalkha, District Panipat.
2. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and the petitioner has been attributed a role of firing gun shot over the deceased but no injury has been attributed to the petitioner, as such Section 302 IPC would not be attracted against him. He asserts that the petitioner has undergone incarceration for a period of 5 years and 6 months, as of now and the trial is still at prosecution stage, which is going very slow.
3. Custody certificate of the petitioner filed by learned State counsel is taken on record. He prays for dismissal of the present petition urging that the petitioner is a habitual offender, who is involved in multiple cases under IPC.

5. Heard, learned counsel for the respective parties.

6. No injury whatsoever has been attributed by the petitioner on the person of the deceased apart from firing gun shot in the air whereas, it is main accused Pardeep whose bullet hit the deceased and withdrew his petition seeking regular bail on 17.07.2023 (Annexure P-7).

7. Be that as it may, this Court is sanguine of the fact that the petitioner has already suffered incarceration for a period of 05 years and 6 months and added with the facts that no injury has been attributed by the petitioner on the person of the deceased and after framing of charges on 10.05.2019, out of total 28 prosecution witnesses only 9 have been examined so far, meaning thereby, that conclusion of trial shall take considerable time, no useful purpose would be served by keeping the petitioner behind bars for an indefinite period, which would also violate the principle of right to speedy trial and expeditious disposal as enshrined under Article 21 of Constitution of India, as has been time and again discussed by this Court, while relying upon the judgment of the Apex Court passed in ***Dataram Singh vs. State of Uttar Pradesh & Anr. 2018(2) R.C.R. (Criminal) 131.***

8. 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.

9. In view of the 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.

10. The present petition is, hereby, allowed.

11. 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

10.04.2024

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