

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-13079-2024
DECIDED ON: 20.03.2024

BAKHTU NATH
.....PETITIONER

VERSUS

STATE OF PUNJAB
.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Vikrant Vij, Advocate for
Mr. G.S. Bawa, 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., seeking regular bail to the petitioner in FIR No.209, dated 10.08.2023, under Sections 379-B(2), 473 of IPC, registered at Police Station Jandiala, District Amritsar Rural (Annexure P-1).
2. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. He also asserts that the allegations levelled against the petitioner relates to snatching of a gold chain alongwith a gold locket, while riding on a motorcycle under the threat of showing datar. As per the prosecution story itself, it is only the locket, which was taken out of the gold chain, once the complainant raised hue and cry and the petitioner fled from the spot, which is highly improbable and prima facie seems to be a concoction of story.

3. He has placed reliance upon an order dated 29.01.2024 passed by this Court in CRM-M-3201-2024, wherein co-accused namely Karan Singh @ Karan Nath has already been granted the concession of regular bail and claims parity.

4. Learned State counsel has filed the custody certificate of the petitioner, which is taken on record. He prays for dismissal of the present petition on the ground that the petitioner is involved in another case bearing FIR No.3 dated 26.10.2022, registered at Police Station Maqboolpura.

5. Be that as it may, considering the age of the petitioner i.e., 22 years and co-accused namely Karan Singh @ Karan Nath has already been granted the concession of bail by this Court added with the fact that in another case, he is on bail, moreover investigation is complete, nothing is to be recovered from the petitioner and he is in custody since 13.08.2023, wherein charges are yet to be framed, which is sufficient to infer this Court that trial will take long time, no useful purpose would be served by keeping him behind the bars for an indefinite period, which would amount 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 a rule and jail is an exception*”, 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.***

6. 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.

7. In the light of the above 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. 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.

20.03.2024

Meenu

(SANDEEP MOUDGIL)
JUDGE

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