

212

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-12753 of 2024
Date of Decision: 01.04.2024

Baljeet Singh

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Shiv Kumar, Advocate for the petitioner.
Mr. Baljinder Singh Virk, Sr. DAG, Haryana.

SANDEEP MOUDGIL, J (ORAL)

This is a petition seeking regular bail to the petitioner in FIR No.33, dated 13.02.2021, under Sections 420 and 409 of the IPC, 1860, registered at Police Station Hathin, District Palwal.

Learned counsel for the petitioner submits that the alleged embezzled amount to the tune of Rs.84,09,779/- has been actually attributed to Secretary Jai Bhagwan of the Panchayat and the co-villager Harkesh. It is also his assertion that the only allegation qua the petitioner is that he is having the custody of the record and apart from that no other role is assigned to him.

Learned State counsel, on the other hand, has produced the copy of the custody certificate, which is taken on record and he prays for dismissal of the instant petition stating that the petitioner is involved in another case meaning thereby he is a habitual offender.

Be that as it may, considering the fact that no recovery is to be effected from the possession of the petitioner, investigation is complete, challan stands filed and charges have also been framed on 30.11.2023 and the fact

that out of total 14 prosecution witnesses, only one has been examined so far which is sufficient to infer for this Court that the trial will take long time, 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 relying 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 view of the above, petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, concerned.

The present petition is, hereby, allowed.

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

01.04.2024

D.Bansal

(SANDEEP MOUDGIL)
JUDGE