

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-12981-2024
DECIDED ON: 05.04.2024

GHASITU ALIAS SONUPETITIONER
VERSUS
STATE OF HARYANARESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Diwan S. Adlakha, Advocate for the petitioner.
Mr. Gurbir Singh Dhillon, AAG Haryana.

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.633, dated 17.09.2022, under Sections 302, 203, 34 IPC, registered at Police Station Krishna Gate Thanesar, District Kurukshetra.
2. Learned counsel for the petitioner submits that the petitioner has been nominated in the present FIR on the basis of disclosure statement suffered by co-accused namely Rahul @ Golu, who has been granted the concession of regular bail by this Court vide order dated 07.03.2024 (Annexure P-9) passed in CRM-M-11221-2024 by this Court and claims parity.
3. Learned State counsel has filed the custody certificate of the petitioner, which is taken on record. He prays for dismissal of the present stating that the petitioner is involved in one another case, therefore, does not deserve the concession of bail at least at this stage, though could not controvert the fact that he is at par with the co-accused namely Rahul @ Golu.
4. Be that as it may, considering the custody period suffered by the petitioner i.e., 1 year, 6 months and 8 days and in the other case, he is on bail, as is evident from the custody certificate, co-accused namely Rahul @ Golu has already been granted the

concession of bail added with the fact that conclusion of trial shall take sufficient time, as out of total 35 prosecution witnesses, only 8 have been examined so far after framing of charges on 03.10.2023, no useful purpose would be served by keeping the petitioner behind bars for an uncertain 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.*

5. 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.

6. In 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.

7. The present petition is hereby allowed.

8. 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

05.04.2024

Meenu

Whether speaking/reasoned Yes/No
Whether reportable Yes/No