

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

212

CRM-M-13680 of 2024
Date of Decision: 25.04.2024

Jainder Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Anosh Samson, Advocate
for the petitioner.

Mr. Rajiv Verma, DAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

This is a petition seeking regular bail to the petitioner in FIR No.190, dated 28.08.2023, under Sections 379-B(2), 341 and 411 of the Indian Penal Code, 1860, registered at Police Station Ranjit Avenue, District Amritsar.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case.

As per the allegations qua the present petitioner narrated in the FIR and according to the arguments made before this Court on behalf of the petitioner, he was driving an Activa which is stated to be a stolen one. Learned counsel further submits that the petitioner was not at all aware of the fact of theft if any committed by some person but he purchased it as a bona fide buyer from other co-accused namely, Akash, Sukhchain Singh and Joban Singh who actually committed the theft/snatching of that Activa Scooter, as per the version in the FIR itself.

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 a habitual offender as he is involved in other case i.e. in FIR No.247 dated 18.08.2023, registered at Police Station Civil Line, Batala, however, in that case, he is on bail but the trial is still pending.

Be that as it may, having gone through the custody certificate, the petitioner has suffered incarceration of 05 months and 03 days and considering the fact that investigation is complete, challan stands filed and the fact that out of total 11 prosecution witnesses, none 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 upon 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.

25.04.2024

D.Bansal

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No