

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-15252-2024
DECIDED ON: 03.04.2024

GAGANDEEP SINGH @ GAGGI

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Arpandeeep Narula, Advocate
for the petitioner.

Mr. Baljinder Singh Virk, Sr. DAG Haryana.

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.207, dated 21.06.2023, under Sections 323, 341, 34 and 307 of IPC, 1860 and Section 25 of Arms Act, 1959, registered at Police Station Kalanwali, District Sirsa.
2. Learned counsel for the petitioner submits that the injury attributed to the petitioner is given by a stick blow on the lower back of the victim, which is not dangerous to life or grievous in nature. He further submits that the co-accused namely Gurmail Singh @ Gela, who had been attributed the axe blow on the head of the complainant has been granted the concession of bail vide order dated 28.02.2024 (Annexure P-3) passed in CRM-M-5184-2024 and other co-accused namely Gursimran Singh, who has been alleged to have inflicted gunshot injury has also been granted the concession of regular bail by the trial Court being juvenile.

3. Learned State counsel has filed the custody certificate of the petitioner, which is taken on record. He prays for dismissal of the present petition stating that the petitioner is a habitual offender, therefore, does not deserve the concession of bail at least at this stage, though he does not controvert the fact that the injury attributed to the petitioner is neither grievous nor dangerous to life.

4. Be that as it may, considering the fact that the injury attributed to the petitioner is simple in nature, who has suffered incarceration of 4 months and 1 days and in the other cases as well, he is on bail added with the fact that after framing of charges on 01.12.2023, no prosecution witnesses has been examined so far out of total 20, which is sufficient to infer this Court that trial will certainly take long time, no useful purpose would be served by keeping the petitioner behind bars for uncertain period, which would amount to infringement of his right to life and liberty, 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*.

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 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.
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.

03.04.2024

(SANDEEP MOUDGIL)
JUDGE

Meenu

Whether speaking/reasoned

Whether reportable

Yes/No

Yes/No