

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-16009-2023
DECIDED ON: 15.02.2024**

**KISHANPREET SINGH @ MANI @ KRISHANPREET SINGH
.....PETITIONER**

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. P.B.S. Goraya, 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. for grant of regular bail to the petitioner in FIR No.18, dated 07.02.2022, under Sections 392, 395, 506, 201 and 34 IPC and Section 25 of Arms Act, registered at Police Station Kamboj, District Amritsar.

2. Learned counsel for the petitioner contends that even the complainant Vijay Thakur, Manager, Punjab and Sind Bank, Branch Naushara Ball Kalan and other witness namely Charanjit Singh, Peon, Punjab and Sind Bank, Branch Naushara Ball Kalan have turned hostile during the course of prosecution evidence on 11.12.2023, wherein they have been examined as PW-1 and PW-2 respectively. He further contends that the co-accused of the petitioner namely, Rakesh Kumar @ Vicky has been granted the concession of regular bail vide order dated 20.02.2023, passed in CRM-M-32720-2022 and the petitioner has suffered incarceration for a period of almost 01 year and 11 months.

3. Learned State counsel seeks dismissal of the instant petition stating that the petitioner is involved in other three cases, meaning thereby he is a habitual offender.

4. Be that as it may, considering the custody period i.e. almost 01 year and 11 months, for which the petitioner has already suffered incarceration behind the bars and the fact that the complainant as well as other witness namely Vijay Thakur, Manager and Charanjit Singh, Peon, Punjab and Sind Bank, Branch Naushara Ball Kalan have turned hostile, as is evident from perusal of statement of PW-1 and PW-2 added with the fact that the conclusion of trial will take a long time, no fruitful purpose would be served by keeping the petitioner behind the bars for an indefinite period.

5. This Court is sanguine of the fact that according to the proposition settled by the Apex Court that keeping somebody behind the bars, till his guilt is proved, for an indefinite period amounts 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*”.

6. 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 such eventuality, strict adherence to the rule of denial of bail on account of pendency of other cases/convictions in all probability would lend the petitioner in a situation of denial of the concession of bail.

7. In view of the aforesaid discussions made hereinabove, the petitioner is directed to be released on regular bail on her furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

8. In the afore-said terms, 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.

15.02.2024
Poonam Negi

(SANDEEP MOUDGIL)
JUDGE

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