



217

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

**CRM-M-16024-2024
DATE OF DECISION: 23.05.2024**

JASKARANDEEP SINGH @ JOBAN ...PETITIONER

Versus

STATE OF PUNJAB ... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Vaibhav Narang, Advocate for the petitioner(s).
 Mr. J.S. Rattu, DAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court under Section 439 Cr.P.C., has been invoked for the grant of regular bail to the petitioner in FIR No. 100, dated 04.09.2023, under Sections 379-B/34 of IPC (Sections 411 IPC has been added later on), registered at Police Station Majitha Road, District Police Commissionerate Amritsar.
2. Learned counsel for the petitioner contends that as per the case of the prosecution, on 04.09.2023 when the complainant was coming back from Ambedkar Chowk, three persons came on black Activa and one of them snatched her gold ear rings and fled away. On the basis of which, the present FIR has been registered. The recovery was effected from one co-accused Ravinder Singh and Sukhwinder Singh and the further recovery of Activa from the petitioner. He further submits that no one has been named in the present FIR whereas the petitioner was arrested on the next day and has been falsely implicated



CRM-M-16024-2024

-2-

in this case, investigation is complete and challan is presented on 02.11.2023. He seeks bail on the ground that nothing is to be recovered from the petitioner.

3. Learned State counsel has filed the custody certificate of the petitioner, which is taken on record. According to which, the petitioner is behind bars for the last 8 months and 15 days. He has opposed the prayer made in the present petition stating that the petitioner is involved in two more FIRs.

4. Be that as it may, considering the facts that investigation is complete, nothing is to be recovered from the petitioner and the petitioner is behind the bars for last 8 months and 15 days and as per the principle of the criminal jurisprudence, no one should be considered as guilty till the guilt is proved beyond reasonable doubt, whereas in the instant case, trial is prolonged and likely to take long time in the light of the fact that out of 16 prosecution witnesses, none has been examined and detaining the petitioner behind the bars for an indefinite period would amount to violation of Article 21 of the Constitution of India and is against the principle “Bail is a rule, jail is an exception” as elucidated in the judgement of Apex Court in **“Dataram Singh vs. State of Uttar Pradesh and another; (2018) 3 SCC 22”**.

5. 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



CRM-M-16024-2024

-3-

“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 land the petitioner in a situation of denial of the concession of bail.

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

8. Petition stands allowed.

(SANDEEP MOUDGIL)
JUDGE

23.05.2024

anuradha

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