



240 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRA-S-1443-2024
DECIDED ON:16.05.2024

NASEEB @ BULLA

.....APPELLANT

VERSUS

STATE OF HARYANA AND ANOTHER

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Sushil Sheoran, Advocate
for the appellant.

Mr. Chetan Sharma, DAG, Haryana.

SANDEEP MOUDGIL, J (ORAL)

CRM-15569-2024

Application is allowed, as prayed for.

FIR in question is taken on record as Annexure A-1.

CRA-S-1443-2024

The instant appeal has been preferred against the order dated 22.03.2024 passed by Additional Sessions Judge, Charkhi Dadri vide which application under Section 439 Cr.P.C. filed by the appellant seeking regular bail in FIR No. 412, dated 13.11.2023, under Sections 148, 149, 323, 324, and 506 IPC and Section 3(2) (Va) of SC/ST Act, registered at Police Station Badhra, has been dismissed.

2. It has been contended by learned counsel for the appellant that it is a case where no offence under Section 3(2) (Va) of the SC/ST Act is made out against

the appellant, as essential ingredients of uttering any such offensive words in public domain are not coming forth and hence, the lodging of present FIR is an abuse of process of law. It has been further contended that though the injury attributed to the appellant was found to be grievous in nature but it was not on the vital part of the body.

3. Custody certificate of the appellant filed by learned State counsel is taken on record, who prays for dismissal of the present appeal stating that the appellant is involved in two other cases, meaning thereby, he is habitual offender.

4. Be that as it may, looking into custody period undergone by the appellant i.e. 5 months, as of now, this Court is of the firm view that trial will take a long time as investigation is completed and challan stands presented wherein, charges have not been framed yet and no fruitful purpose would be served by detaining the appellant 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 in ***Dataram Singh vs. State of Uttar Pradesh & Anr. 2018(2) R.C.R. (Criminal) 131***, 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 the concession of bail.

7. In the light of above, the petitioner is directed to be released on regular bail on his furnishing personal/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/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.

16.05.2024
Sham

(SANDEEP MOUDGIL)
JUDGE

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

CRM-14077-2024 in
CRA-S-1106-2024

HALAL AHMAD SOHRA

.....APPLICANT/APPELLANT

VERSUS

STATE OF PUNJAB

.....RESPONDENT

Present: Mr. P.S. Sekhon, Advocate for the applicant-appellant.

Mr. Jasjeet Singh Rattu, DAG, Punjab.

1. Prayer in this application is for suspension of sentence of the applicant-appellant during the pendency of the present appeal.

2. Learned counsel for the applicant-appellant submits that the applicant/appellant was convicted under Section 22(c) of NDPS Act and has been sentenced to undergo RI for a period of 10 years along with fine of Rs.1 lac, in default thereof to further undergo RI for 1 year, vide judgment of conviction and order of sentence dated 15.12.2023 passed by Additional Sessions Judge, Patiala. He further submits that the applicant-appellant has undergone more than 4 years of sentence and appeal is not likely to be heard in near future therefore, the sentence of the applicant-appellant may be suspended during the pendency of the appeal.

3. Learned State counsel has produced the custody certificate of the applicant-appellant today in Court, which is taken on record.

4. According to the said custody certificate, the actual period undergone by the applicant-appellant is 04 years, 08 months and 01 days out of total substantive sentence of 10 years awarded to him by the trial Court.

5. In view of the custody period undergone by the applicant-appellant as well as the fact that he is a person of clean antecedents, as is evident from the custody certificate added with the fact that appeal stands admitted on 21.03.2024 which is not likely to be heard in near future, this Court is of the view that no useful purpose would be served by keeping the applicant-appellant behind the bars for an indefinite period, which would also 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 enunciated by the Apex Court in ***Dataram Singh vs. State of Uttar Pradesh & Anr. 2018(2) R.C.R. (Criminal) 131***,

6. In view of the discussion made herein above, the present application is allowed and the sentence of the applicant-appellant shall remain suspended during the pendency of the appeal subject to his furnishing personal/surety bonds to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, concerned.

7. Ordered accordingly.

16.05.2024
Sham

(SANDEEP MOUDGIL)
JUDGE

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

**CRM-18277-2024 in
CRA-S-1902-2023**

RAM SINGH @ RAMU

.....APPLICANT/APPELLANT

VERSUS

STATE OF PUNJAB

.....RESPONDENT

Present: Mr. K.S. Brar, Advocate for the applicant-appellant.

Mr. Jasjeet Singh Rattu, DAG, Punjab.

1. Prayer in this application is for suspension of sentence of the applicant-appellant during the pendency of the present appeal.

2. Learned counsel for the applicant-appellant submits that the applicant/appellant was convicted under Section 21(c) and 21(b) of NDPS Act and has been sentenced to undergo RI for a period of 10 years along with fine of Rs.1 lac, in default thereof to further undergo RI for a period of 1 year for offence under Section 21(c) of the NDPS Act; RI for a period of 5 years along with fine of Rs.50,000/- in default thereof to further undergo RI for a period of 6 months for an offence under Section 21(b) of the NDPS Act, vide judgment of conviction and order of sentence dated 05.06.2023 passed by Judge, Special Court, Bathinda. He further submits that the applicant-appellant has undergone actual sentence of 4 years, 1 months and 24 days and appeal is not likely to be heard in near future therefore, the sentence of the applicant-appellant may be suspended during the pendency of the appeal.

3. Learned State counsel has produced the custody certificate of the applicant-appellant today in Court, which is taken on record.

**CRM-18277-2024 in
CRA-S-1902-2023**

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4. According to the said custody certificate, the actual period undergone by the applicant-appellant is 04 years, 01 months and 24 days out of total substantive sentence of 10 years awarded to him by the trial Court.

5. In view of the custody period undergone by the applicant-appellant as well as the fact that he is a person of clean antecedents, as is evident from the custody certificate added with the fact that appeal stands admitted on 17.07.2023 which is not likely to be heard in near future, this Court is of the view that no useful purpose would be served by keeping the applicant-appellant behind the bars for an indefinite period, which would also 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 enunciated by the Apex Court in ***Dataram Singh vs. State of Uttar Pradesh & Anr. 2018(2) R.C.R. (Criminal) 131***,

6. In view of the discussion made herein above, the present application is allowed and the sentence of the applicant-appellant shall remain suspended during the pendency of the appeal subject to his furnishing personal/surety bonds to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, concerned.

7. Ordered accordingly.

16.05.2024
Sham

(SANDEEP MOUDGIL)
JUDGE



224

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

**CRM-M-23873-2024
DECIDED ON:16.05.2024**

MUNISH KUMAR @ MANISH KUMAR

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Bhanu Chaudhary, Advocate for the petitioner.

Mr. Chetan Sharma, DAG, Haryana.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court under Section 439 Cr.P.C., has been invoked seeking regular bail to the petitioner in case FIR No. 65, dated 16.02.2024 Under Sections 379-A and 34 IPC, registered at Police Station Mandi Dabwali, Tehsil Dabwali, District Sirsa.
2. It has been contended by learned counsel for the petitioner that the allegation against the petitioner is with regard to the snatching of ear rings weighing around 1 ½ tola which has already been recovered from the petitioner along with the motor cycle used in commissioning of offence. He further contends that during the trial, parties have entered into compromise.
3. Custody certificate of the petitioner furnished by the State counsel is taken on record, who does not controvert the aforesaid fact.

4. Be that as it may, keeping in view the fact that there is every chance of acquittal, as the parties have entered into compromise added with the fact that the petitioner has suffered incarceration for a period of 2 months and 20 days and a person of clean antecedents, this Court is of the view that no useful purpose would be served by keeping the petitioner behind the bars for an indefinite period which would also tantamount to 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 enunciated by the Apex Court in ***Dataram Singh vs. State of Uttar Pradesh & Anr. 2018(2) R.C.R. (Criminal) 131.***

5. In the light of above, the petitioner is directed to be released on regular bail on his furnishing personal/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

6. In the afore-said terms, the present petition is hereby allowed.

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.

16.05.2024
Sham

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No



222 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-23421-2024
DECIDED ON:16.05.2024

VISHWAS

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Sunil Sheoran, Advocate for the petitioner.

Mr. Chetan Sharma, DAG, Haryana.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court under Section 439 Cr.P.C., has been invoked seeking regular bail to the petitioner in case FIR No. 352, dated 18.05.2023 Under Sections 20(b)(ii)(c) and Section 27A added later on, registered at Police Station Hansi City, District Hisar.
2. Custody certificate of the petitioner furnished by learned State counsel is taken on record.
3. After arguing for some time, learned counsel for the petitioner prays for withdrawal of the present petition.
4. Prayer is accepted.
5. Dismissed as withdrawn.

(SANDEEP MOUDGIL)
JUDGE

16.05.2024

Sham

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No

223

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-23769-2024

KAMLESH

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

Present: Ms. Rashi Chaudhary, Advocate for
 Mr. Karanveer Hooda, Advocate for the petitioner.

 Mr. Chetan Sharma, DAG, Haryana.

 At the request of counsel appearing on behalf of the petitioner,

adjourned to 18.05.2024.

16.05.2024
Sham

(SANDEEP MOUDGIL)
JUDGE

225

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

**CRM-6803-2024 in
CRA-S-176-2022**

KALA SINGH @ KALI

.....APPLICANT/APPELLANT

VERSUS

STATE OF PUNJAB

.....RESPONDENT

Present: Mr. K.S. Brar, Advocate for the applicant-appellant.

Mr. Jasjeet Singh Rattu, DAG, Punjab.

Custody certificate of the applicant-appellant furnished by the State
counsel is taken on record.

At the request of counsel for the applicant-appellant, adjourned to
03.10.2024.

16.05.2024
Sham

**(SANDEEP MOUDGIL)
JUDGE**

CRM-18810-2024 in
CRA-S-533-2024

JEETU JAT

.....APPLICANT/APPELLANT

VERSUS

STATE OF PUNJAB

.....RESPONDENT

Present: None for the applicant-appellant.

Mr. Jasjeet Singh Rattu, DAG, Punjab.

Custody certificate of the applicant-appellant furnished by the State
counsel is taken on record.

Due to non availability of the applicant-appellant, adjourned to
27.08.2024.

16.05.2024
Sham

(SANDEEP MOUDGIL)
JUDGE