

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

212

**CRM-M-17904 of 2024
Date of Decision: 19.04.2024**

Rajesh alias Gurga

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Sushil Bhardwaj, Advocate for the petitioner.

Mr. Baljinder Singh Virk, Sr. DAG, Haryana.

SANDEEP MOUDGIL, J (ORAL)

This is a petition seeking regular bail to the petitioner in FIR No.62, dated 18.07.2018, under Sections 302, 120-B, 506 and 34 of the Indian Penal Code, 1860 and Section 25 of the Arms Act, 1959, registered at Police Station GRP Gurugram, District GRP Ambala Cantt.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case and he has been attributed with the allegation of firing gun shots though it is not coming forth in the FIR or through the MLR. The injury out of this act has been caused to the deceased which are otherwise attributed to Roshni Devi w/o Dharambir and other co-accused, who fired bullets at him to which he fell on the road and died.

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 involved in other cases meaning thereby he is a habitual offender.

Be that as it may, having gone through the custody certificate, the petitioner has suffered incarceration of 05 years, 08 months and 12 days and considering the fact that investigation is complete, challan stands filed and the

fact that out of total 35 prosecution witnesses, 33 witnesses have 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.

19.04.2024

D.Bansal

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No