

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

211

**CRM-M-18767-2024
DECIDED ON: 24.04.2024**

SONU @ SURENDER PETITIONER

VERSUS

STATE OF HARYANA RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. S.S. Verma, Advocate for the petitioner.

Mr. G.S.Dhillon, AAG, Haryana.

SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court has been invoked under Section 439 Cr.P.C., seeking regular bail to the petitioner in FIR No.29, dated 13.02.2023, under Sections 302, 201, 34, 120-B of IPC and Section 25 of Arms Act, registered at Police Station Baragudha, District Sirsa.

2. Learned counsel for the petitioner contends that no specific injury has been attributed to the petitioner except that he was accompanying the other coaccused at the time of commissioning of offence.

3. Learned State counsel has filed the custody certificate of the petitioner, which is taken on record. According to the custody certificate, the petitioner has suffered incarceration of 1 year, 2 months and 6 days. He does not controvert the submissions made by learned counsel for the petitioner. Though, he prays for dismissal of the present petition on the ground that the petitioner is involved in two other cases

4. Be that as it may, considering the fact that no injury whatsoever has been attributed to the petitioner, as has been admitted by learned State counsel and the petitioner has suffered incarceration of 1 year, 2 months and 6 days wherein charges have been framed on 17.05.2023 and out of total 17 prosecution witnesses, none has been examined, which is suffice to convince this Court that trial is likely to take long time, no useful purpose would be served by keeping the petitioner behind bars for an uncertain period, which would 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 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 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.

24.04.2024

anuradha

Whether speaking/reasoned

Whether reportable

Yes/No

Yes/No

(SANDEEP MOUDGIL)

JUDGE