

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

216

**CRM-M-19270 of 2024
Date of Decision: 25.04.2024**

Rajanpreet Singh @ Rajan

..... Petitioner

Versus

State of Punjab

..... Respondent**CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. Vivek Salathia, Advocate for the petitioner.

Mr. Rajiv Verma, DAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

This is a petition seeking regular bail to the petitioner in FIR No.209, dated 26.11.2023, under Sections 186, 353, 307 and 34 of the Indian Penal Code, 1860 and Sections 25/27 of the Arms Act, 1959, registered at Police Station Balongi, District Mohali.

Learned counsel for the petitioner submits that in the instant FIR, the petitioner has been falsely implicated by the prosecution after having forged disclosure statement of co-accused Amritpal who is the main accused in the present FIR. It is a positive case on behalf of the petitioner before this Court that on the same date, he was implicated in another FIR No.137 dated 26.11.2023 with the allegation that he was travelling in a car which was also a stolen vehicle. Learned counsel has referred the order dated 27.02.2024 passed by the Additional Sessions Judge, Amritsar, whereby, he was granted regular bail in the FIR No.137 dated 26.11.2023.

In the instant case, the petitioner is in custody since 01.01.2024 meaning

thereby he is behind the bars for almost 4 months.

Learned State counsel, on the other hand, has produced the copy of the custody certificate, which is taken on record and he could not controvert the fact that the petitioner has been nominated as an accused in the instant FIR on the basis of disclosure statement made by the co-accused person.

Be that as it may, considering the fact that investigation is complete, challan stands filed on 28.02.2024 and charges are yet to be framed and the fact that out of total 20 prosecution witnesses, none has 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 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.

25.04.2024
D.Bansal

(SANDEEP MOUDGIL)
JUDGE

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