



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

**CRM-M-19736-2023 (O&M)
DECIDED ON:06.05.2024**

JARMANJIT SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Deepak Sabherwal, Advocate, for the petitioner.

 Mr. Jasjit Singh Rattu, DAG, Punjab.

 Mr. H.S. Randhawa, Advocate, for the complainant.

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.151, dated 12.10.2014, under Sections 302, 148, 149, 201 and 120-B IPC, registered at Police Station Sarhali, District Tarn Taran.
2. The present case was registered on the statement of Salwinder Singh and other persons on the allegations that on 12.10.2014 at about 7 PM all of them in furtherance of their common intention inflicted injuries on the person of his son Gurjan Singh as a result of which he succumbed to his injuries.
3. Learned counsel for the petitioner submits that the co-accused of the petitioner namely Sukhraj Singh, who is similarly situated with the present petitioner has already been granted the concession of regular bail by this Court vide order dated 10.04.2024 passed in CRM-M-7176-2024.

4. Learned State counsel as well as counsel for the complainant pray for dismissal of the present petition stating that the petitioner is a habitual offender and is involved in various other cases.

5. Be that as it may, considering the custody period undergone by the petitioner i.e. 5 years 8 months and 25 days added with the fact that the co-accused namely Sukhraj Singh, who is similarly situated with the present petitioner, which fact has not been controverted by learned State counsel, has already been granted the concession of regular bail by this Court, no useful purpose would be served by detaining the petitioner behind the bars for an indefinite period.

6. This Court is sanguine of the fact that according to the proposition settled by the Apex Court 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 of *“bail is rule and jail is an exception”*.

7. As far as the pendency of other cases is concerned as has been stated by learned State counsel, 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.

8. In view of the 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 learned trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

9. The present petition is, hereby, allowed.
10. However, it is made clear that anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case.
11. Pending criminal misc. application, if any shall also disposed off.

06.05.2024
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(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned Yes/No

Whether reportable Yes/No