

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-19930-2024
DECIDED ON:29.04.2024

MANI SINGH @ MANNI SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Pankaj Garg, Advocate, for the petitioner.
Mr. Jasjit Singh Rattu, DAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court under Section 439 Cr.P.C. has been invoked 2nd time by the petitioner seeking regular bail in case FIR No. 29, dated 15.02.2023, under Sections 307, 323, 324, 325, 506, 148 and 149 IPC, registered at Police Station City Sunam, District Sangrur.
2. It has been contended by learned counsel for the petitioner that he has been attributed two injuries i.e. one injury is on the left hand and another is on the wrist of the right hand and both the injuries are on the non-vital party of the body. It is further contended that though both the injuries are grievous in nature but not dangerous to life. He has placed reliance upon the order dated 14.02.2024 passed in CRM-M-33779-2023 whereby, the co-accused of the petitioner namely Amrik Ram @ Amrik Singh @ Mika, who has also attributed the same role as that of the present petitioner, has been granted the concession of regular bail.
3. Custody certificate of the petitioner filed by learned State counsel is taken on record, who prays for dismissal of the present petition stating that the he is a habitual offender, as he is also involved in various other cases of similar nature.

and such person does not deserves the concession of bail. Though, he could not controvert the factum of injuries attributed to the present petitioner i.e. on the left hand and on the wrist of right hand of the injured, which are though grievous but not dangerous to life.

4. Be that as it may, *prima-facie* at this stage for consideration of the instant petition for regular bail, this Court is convinced that the injuries attributed to the petitioner are on non-vital part of the body of the victim.

5. Looking into the fact that the petitioner has suffered incarceration for a period of 1 year 3 days, as of now and the injuries attributed to him are on non-vital part of the body added with the facts that similarly situated co-accused has already been granted the concession of regular bail vide order dated 14.02.2024 passed by this Court (Annexure P-7) and after framing of charges, out of total 25 witnesses, none has been examined till date, which is sufficient for this Court to infer that conclusion of trial shall take considerable time, this Court is of the opinion that no useful purpose would be served by keeping the petitioner behind the bars for an indefinite period, which would also 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 view of the aforesaid 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/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.

29.04.2024

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(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned

Whether reportable

Yes/No

Yes/No