

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

213 CRM-M-20183-2024
Date of decision: 30.04.2024

Gurpreet Singh @ Narpinder Jeet ... Petitioner

VS.

State of Haryana ... Respondent

CORAM: HON’BLE MR.JUSTICE SANDEEP MOUDGIL

Present: Ms. Manjot Kaur, Advocate for the petitioner

Mr. GS Dhillon, AAG Haryana

Sandeep Moudgil, J.

The petitioner seeks regular bail in case FIR No.174 dated 01.05.2019 under Sections 306/34 IPC and Section 25 of Arms Act, registered at Police Station Sector 40, Gurugram.

Learned counsel for the petitioner submits that the petitioner was admitted to bail vide order dated 19.07.2019 and was since then appearing before the trial court on each and every date but for his unintentional absence on 06.08.2022 due to psychiatric ailment, his bail bonds were cancelled and was declared proclaimed offender by the trial court on 05.07.2023.

Learned State counsel has filed custody certificate dated 26.04.2024 which is taken on record. According to it, the petitioner has undergone 6 months and 29 days of custody since his arrest. He opposed the prayer for grant of regular bail on the ground that the petitioner has a key role to play in the alleged offence and as such, he may intimidate/threaten the witnesses and that apart, there are 7 other cases pending against the petitioner.

Heard learned counsel for the parties and gone through the record.

Taking into consideration the totality of the circumstances particularly the fact that ingredients of the offences, as alleged, are not fulfilled coupled with the fact that this was the sole absence on the part of the petitioner due to medical ailment and also in view of the fact that it will take certainly long time to conclude the trial, and as such detaining the petitioner behind the bars for an indefinite period would amount to violation of Article 21 of the Constitution of India and is against the principle “Bail is a rule, jail is an exception” as elucidated in the judgement of Apex Court in “***Dataram Singh vs. State of Uttar Pradesh and another***;; (2018) 3 SCC 22”.

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.

Keeping the petitioner inside the jail is clearly violative of speedy trial under Article 21 of the Constitution of India, but the same is likely to take long time being wherein it is at the initial stage after a lapse of considerable time.

Accordingly, the present petition is allowed and 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.

30.04.2024
V.Vishal

(Sandeep Moudgil)
Judge

- 1. Whether speaking/reasoned?
- 2. Whether reportable?

Yes/No
Yes/No