

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

227 CRM-M-20759-2024 (O&M)
DATE OF DECISION: 30.04.2024

SUSHIL KUMAR

...PETITIONER

Versus

STATE OF HARYANA

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Aditya Sanghi, Advocate for the petitioner(s).

Mr. Chetan Sharma, DAG, Haryana.

SANDEEP MOUDGIL, J (ORAL)

This is a petition seeking regular bail in FIR No.200, dated 08.08.2023, under Sections 436/506/34 IPC, registered at Police Station Nathusari Chopta, District Sirsa, Haryana.

Learned counsel for the petitioner contends that the complainant is mother of the petitioner and there is dispute between the parties over the property left by petitioner's father and a civil suit is pending between the parties. The allegations in the FIR to the effect that he had set on fire the bed and sofa in the house of the complainant on 03.08.2023 and armed with a pistol have no iota of truth and evidence to establish the offence under Sections 436/506/34 IPC. He further informs the Court that one another FIR no. 60 dated 26.03.2023 under Section 436 IPC registered at P.S. Nathusari Chopta is filed against the petitioner in which he is on bail, subsequent thereto instant FIR was lodged with the allegation that he was armed with pistol and came to the house of the complainant.

Notice of motion.

Learned State Counsel appearing on advance notice accepts the same and has produced the custody certificate. As per the custody certificate the applicant is behind the bars for last 7 months and 19 days. He prays for dismissal of the petition on the grounds that the petitioner was having pistol and there is no chance of false implication as the complainant is mother of the petitioner.

Be that as it may, considering the nature of allegations, the parties' relationship and sequence of two FIRs including the nature of allegations made therein against the present petitioner added with the fact that dispute qua property in a civil suit is pending between the parties as well as the custody part suffered by the petitioner so far i.e. 7 months and 19 days and charges were framed on 24.01.2024, it is difficult to deny the petitioner concession of bail. As far as the pendency of other case, 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.

In light of the above, 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.

The present petition is, hereby, allowed.

(SANDEEP MOUDGIL)
JUDGE

30.04.2024
anuradha

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