

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-20604-2024 (O&M)
DECIDED ON: 02.05.2024

PARVEEN KUMAR ALIAS PARVEEN YADAV

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Ramnish Puri, Advocate
for the petitioner.

Mr. B.S. Virk, Sr. DAG, Haryana.

SANDEEP MOUDGIL, J (ORAL)

CRM-17976-2024

1. This is an application for exemption from filing the typed/certified copies of Annexures.
2. For the reasons mentioned in the application, the same is allowed. Exemption sought for is granted.
3. The application stands disposed off.

CRM-M-20604-2024

1. The jurisdiction of this Court has been invoked under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No.10, dated 09.01.2022 (wrongly mentioned as 08.01.2022 in impugned order dated 27.03.2024), under Sections 406, 420, 419, 467, 468, 471 and 120-B IPC, registered at Police Station Manesar, District Gurugram.

2. Learned counsel for the petitioner contends that the present case is triable by Court of Magistrate and will take sufficient long time to conclude. He further contends that there is no incriminating material to connect the petitioner with the alleged commissioning of offence. It has been asserted on behalf of the petitioner that co-accused of the petitioner, namely, Kamal Singh alias Kamal Singh Yadav, Naveen Kumar, Rituraj Yadav and Mamta Yadav alias Mamta have been granted the concession of regular bail by this Court vide orders dated 15.02.2024, 18.01.2024, 29.11.2023 and 17.07.2023 passed in CRM-M-23881-2023, CRM-M-39400-2023, CRM-M-1492-2024 and CRM-M-6942-2024 respectively.

3. Learned State counsel has produced the custody certificate of the petitioner today in Court, which is taken on record. Copy thereof has been furnished to the learned counsel for the petitioner today in Court. He seeks dismissal of the instant petition on the ground that the petitioner is involved in seven more cases, meaning thereby, he is a habitual offender.

4. Be that as it may, having gone through the submissions made by the respective parties and the custody period i.e. 02 years, 02 months and 28 days, for which the petitioner has suffered incarceration, is sufficient enough for this Court in the light of the fact that the conclusion of trial will take an extra-ordinary long time as charges were framed on 27.03.2023, out of total 106 prosecution witnesses, none has been examined till date.

5. 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.

6. In the light of above facts, this Court is sanguine of the fact that according to the proposition settled by the Apex Court in ***Dataram Singh vs. State of Uttar Pradesh & Anr. 2018(2) R.C.R. (Criminal) 131***, 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 “*bail is a rule*” and “*jail is an exception*”.

7. Therefore, 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.

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.

02.05.2024

Poonam Negi

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No