

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

227

CRM-M-21005 of 2024
Date of Decision: 02.05.2024

Deepak

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Gagandeep Sanwal, Advocate
for the petitioner.

Mr. Chetan Sharma, DAG, Haryana.

SANDEEP MOUDGIL, J (ORAL)

This is a petition seeking regular bail to the petitioner in FIR No.43, dated 01.02.2024, under Sections 307, 506 and 34 of the Indian Penal Code, 1860 and Sections 25, 27 of the Arms Act, 1959, registered at Police Station Civil Lines, District Sonipat.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case and it is a case of no injury and therefore, Section 307 of IPC is not attracted. As per Section 506 IPC is concerned, he asserts that even as per the narration of FIR and the contents in the challan on the basis of which the prosecution has initiated the trial, no such overact has been attributed to the petitioner.

Learned State counsel, on the other hand, has produced the copy of the custody certificate, which is taken on record and he prays for dismissal of the instant petition on the facts that recorded by the Court of Additional Sessions Judge, Sonapat that the petitioner can be seen wielding

the weapon in the CCTV footage and was presented at the spot. He further submits that the petitioner is involved in three other cases meaning thereby he is a habitual offender.

As far the details of other cases are concerned, out of three cases, two FIRs are under the Excise Act and in another one case i.e. in FIR No.509 dated 18.08.2015 under Sections 363 and 366-A IPC, registered at Police Station City Sonapat is concerned, the petitioner stands acquitted on 18.11.2015 by the Court of Additional Sessions Judge, Sonapat as is evident from the custody certificate produced by learned State counsel and this very fact has not been controverted by the learned State counsel.

Be that as it may, having gone through the custody certificate, the petitioner has suffered incarceration of 02 months and 28 days and considering the fact that investigation is complete, challan stands filed, charges have been framed on 29.02.2024 as has been pointed out by learned counsel for the petitioner and the fact that out of total 19 prosecution witnesses, none has been examined so far which is sufficient to infer for this Court that the trial will take long time, no useful purpose would be served by keeping the petitioner behind the bars for uncertain period, wherein bail is a rule and jail is an exception and it would also violate the principle of right to speedy trial and expeditious disposal under Article 21 of Constitution of India, as has been time and again discussed by this Court, while relying upon the judgment of the Apex Court passed in *Dataram Singh vs. State of Uttar Pradesh & Anr. 2018(2) R.C.R. (Criminal) 131*.

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 view of the above, petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the Chief Judicial Magistrate/trial Court, concerned.

The present petition is, hereby, allowed.

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
D.Bansal

(SANDEEP MOUDGIL)
JUDGE

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