

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-20752 of 2024
Date of Decision: 02.05.2024

Varinder Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Kunwar Rajan, Advocate
for the petitioner.

Mr. J.S. Rattu, DAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

This is a petition seeking regular bail to the petitioner in FIR No.192, dated 24.11.2023, under Sections 323, 379-B and 506 of the Indian Penal Code, 1860 and Sections 25, 27, 54, 59 of the Arms Act, 1959 (Section 379-B IPC and Sections 25, 27, 54, 59 of the Arms Act have been deleted and offence under Section 392 IPC has been added vide GD No.42 dated 11.03.2024), registered at Police Station City Muktsar, District Sri Muktsar Sahib.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case and the co-accused who was the actual main conspirator, even as per the version of the prosecution story, has been granted the concession of regular bail by this Court in CRM-M-12582-2024, vide order dated 23.04.2024. He further asserts that the case of the present petitioner is on the better footing of co-accused as he was carrying a pistol and has given injuries from the blunt side of the said weapon on the

head of the complainant whereas the allegations *qua* the present petitioner is only for theft of only Rs.10,000/- which has not been recovered from the possession of 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 stating that the petitioner is involved in other two cases meaning thereby he is a habitual offender.

Be that as it may, having gone through the custody certificate, the petitioner has suffered incarceration of 04 months and 17 days and considering the fact that investigation is complete, challan stands filed on 13.03.2024, charges are yet to be framed and the fact that out of total 04 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