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**IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

**CRM-M-21374-2024  
DECIDED ON:06.05.2024**

**VIKAS @ VICKY****.....PETITIONER****VERSUS****STATE OF HARYANA****.....RESPONDENT****CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. Siddarth, Advocate  
for the petitioner.

Mr. Surender Singh Pannu, Addl. AG, Haryana.

**SANDEEP MOUDGIL, J (ORAL)**

1. The jurisdiction of this Court under Section 439 Cr.P.C., has been invoked 2<sup>nd</sup> time for grant of regular bail to the petitioner in FIR No.216, dated 02.07.2019, under Sections 148, 149, 302, 120-B, 303, 323, 452, 506 IPC and Section 25 of Arms Act, registered at Police Station Naraingarh, Ambala.
2. Learned counsel for the petitioner submits that neither the petitioner has been named in the present FIR, nor any role has been attributed to him and he has been falsely implicated in the instant case on the basis of supplementary statement of the complainant, which was afterthought.
3. It is also submitted by learned counsel for the petitioner that in fact the petitioner was in custody in another case i.e. FIR No. 61, dated 17.05.2018 and released on regular bail by this Court vide order dated 02.06.2023 passed in CRM-M-27145-2023.

4. Learned counsel for the petitioner has placed reliance upon the orders dated 19.12.2019, 29.10.2021, 30.06.2022, 25.01.2023 and 16.03.2023 passed in CRM-M-53596-2019, CRM-M-37035-2021, CRM-M-27789-2022, CRM-M-16943-2022 and CRM-M-25694-2022 vide which, co-accused persons namely Mamta Devi, Aman Kumar, Sahab Singh and others, Yog Raj @ Pinki and Vishal have already been granted the concession of regular bail by a co-ordinate Bench of this Court.

5. Learned State counsel has filed the custody certificate of the petitioner, which is taken on record. According to which the petitioner is behind the bars for the last 1 year, 9 months and 14 days. He opposes the prayer made in the present petition stating that the petitioner is involved in various other cases, which shows that he is a habitual offender and does not deserve the concession of bail.

6. Having heard learned counsel for the parties.

7. Considering the custody period undergone by the petitioner as well as the fact that after framing of charges on 10.05.2023, out of total 59 prosecution witnesses only one has been examined so far, which is sufficient for this Court to infer that conclusion of trial shall take sufficient long time, this Court is of the considered view that no fruitful purpose would be served by detaining the petitioner behind bars for an indefinite period, which would also violate the principle of right to speedy trial and expeditious disposal under Article 21 of Constitution of India and also against the basic principle of criminal jurisprudence i.e “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”.

8. As far as the pendency of 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.

9. In view of the discussions made hereinabove, the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.
10. The present petition is, hereby, allowed.
11. However, anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case.

06.05.2024

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(SANDEEP MOUDGIL)  
JUDGE

Whether speaking/reasoned

Whether reportable

Yes/No

Yes/No