

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

212

CRM-M-22724 of 2024
Date of Decision: 10.05.2024

Krishan @ Pada

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Sanpreet Sandhu, Advocate
for the petitioner.

Mr. Surender Singh Pannu, Addl. A.G., Haryana.

SANDEEP MOUDGIL, J (ORAL)

This is a petition seeking regular bail to the petitioner in FIR No.18, dated 10.01.2024, under Sections 25(1-B)(a) of the Arms Act, 1959, registered at Police Station City Hansi, District Hisar.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case. He further submits that it is a case of no injury and there is only recovery of .32 bore illicit pistol along with 5 live cartridges. The petitioner is categoric to assert that he has no concern with the aforesaid alleged weapon but has been roped in the FIR merely on the basis of disclosure statement of co-accused Gaurav @ Golu only.

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 a habitual offender as is involved in multiple other cases. However, there is no dispute

on behalf of the State to the fact that it is a case of no injury and only

recovery as has been alleged against the petitioner is .32 bore pistol along with 5 live cartridges and no case under Section 25(1-B)(a) of the Arms Act, 1959 has been made out.

As far as the details of other cases are concerned, in FIR No.17 dated 10.02.2015, the petitioner had been released on bail, vide order dated 24.04.2023 and another two FIRs i.e. FIR No.85 of 2018 and FIR No.16 of 2015, he stands acquitted.

Be that as it may, having gone through the custody certificate, the petitioner has suffered incarceration of 03 months and 29 days and considering the fact that investigation is complete, challan stands filed on 07.03.2024 and the fact that out of total 12 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 trial Court/Duty Magistrate, 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.

10.05.2024
D.Bansal

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No