



222

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

**CRM-M-23405-2024
DATE OF DECISION: 15.05.2024**

ARJUN ALIAS LALO

...PETITIONER

Versus

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. R.S. Dhaliwal, Advocate for the petitioner(s).

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

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court under Section 439 Cr.P.C., has been invoked for the grant of regular bail to the petitioner in FIR No. 19, dated 28.02.2024, under Sections 323/324/325/326/506/148/149 of IPC, (Section 307 IPC added later) registered at Police Station Jalandhar Cantt, Punjab.

2. Learned counsel for the petitioner contends that the allegation levelled against the petition is that he was armed with Kirpan and gave a kirpan blow to the injured Abhi , even as per MLR dated 25/26.02.2024, two simple injuries were suffered by the injured Abhi. He also drew attention of the Court to the order dated 24.04.2024 passed by the Trial Court vide which co-accused Sumit Gora has been granted bail who is almost identical to the petitioner.

3. Learned counsel for the petitioner further submits that the parties have entered into a compromise which is placed on record at



Annexure P-2 dated 05.04.2024 and accordingly, he is in process of filing of quashing of the FIR on that basis.

4. Learned State counsel has filed the custody certificate of the petitioner, which is taken on record. According to which, the petitioner is behind bars for the last 2 months and 2 days, who is involved in other cases also.

5. In view of the above, this Court has no reason to deny the petitioner concession of regular bail wherein investigation is complete, challan stand presented on 14.05.2024 and the co-accused has already been granted bail by the Trial Court and as per the principle of the criminal jurisprudence, no one should be considered as guilty till the guilt is proved beyond reasonable doubt, whereas in the instant case, trial is prolonged and likely to take long time in the light of the fact that 23 prosecution witnesses are yet to be examined and detaining the petitioner behind the bars for an indefinite period would amount to violation of Article 21 of the Constitution of India and is against the principle "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**".

6. 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

**CRM-M-23405-2024****-3-**

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 land the petitioner in a situation of denial of the concession of bail.

7. In view of the aforesaid 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/Duty Magistrate, concerned.

8. However, it is made clear that anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case.

9. Petition stands allowed.

(SANDEEP MOUDGIL)
JUDGE

15.05.2024
anuradha

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>