



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

**CRM-M-23442-2024
DATE OF DECISION: 15.05.2024**

SAJANPREET SINGH @ CHITTA ...PETITIONER

Versus

STATE OF PUNJAB ... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Ms. Aayushi Jirdal, Advocate for
Mr. Umesh Aggarwal, 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. 207, dated 08.08.2023, under Sections 379-B(2)/34 IPC and Section 25 of Arms Act registered at Police Station Jandiala, Amritsar.

2. Learned counsel for the petitioner contends that the petitioner was arrested in FIR No. 199 dated 03.08.2023 and during investigation, he disclosed that he is also involved in the present FIR, thus the petitioner was nominated in the present FIR. Apart from that, neither any specific role has been attributed to the petitioner nor any incriminating material to implicate the petitioner as an accused has been produced. He also drew attention of the Court to the order dated 01.04.2024 passed by this Court in CRM-M-14347-2024 vide which



co-accused Gurwinder Singh @ Ginder has been granted bail who is similarly situated to the petitioner. He further submits the petitioner is on better footing than the co-accused- Gurwinder Singh @ Ginder.

3. 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 7 months and 17 days, who is involved in other cases, therefore, prays for dismissal of the petition.

4. In the instant case, investigation is complete, challan is presented on 03.01.2023 and the co-accused has been granted bail by this 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 12 prosecution witnesses 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".

5. 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



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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.

6. 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.

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

8. 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>