



CRM-M-24787 of 2024

-1-

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

253

CRM-M-24787 of 2024

Date of Decision: 24.05.2024

Mohit Singh @ Mongli

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Umesh Aggarwal, Advocate
for the petitioner.

Mr. Rubal Pawar, AAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

This is a petition seeking regular bail to the petitioner in FIR No.23, dated 03.02.2024, under Sections 25(7)/54/59 of the Arms Act, 1959 (Section 201 IPC added later on), registered at Police Station Gate Hakima, District Amritsar.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case. He further submits that even as per the prosecution allegation, the petitioner was in the possession of live cartridge of .32 bore but not the weapon and the co-accused Krishna from whom the petitioner is on the better footing, stands granted the concession of regular bail, vide order dated 23.04.2024 passed in CRM-M-18515-2024.

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



CRM-M-24787 of 2024

-2-

four cases meaning thereby he is a habitual offender.

A perusal of the said custody certificate would show that in DD No.02 dated 20.12.2019, the petitioner stands acquitted and in another three FIRs, he is on bail.

Be that as it may, having gone through the custody certificate, the petitioner has suffered incarceration of 02 months and 12 days and considering the fact that investigation is complete, challan stands filed and the fact that out of total 14 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.

**CRM-M-24787 of 2024****-3-**

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.

24.05.2024*D.Bansal***(SANDEEP MOUDGIL)
JUDGE**

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No