

2024:PHHC:071277



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

CRM-M-24361-2024

DATE OF DECISION: 20.05.2024

NEERAJ

...PETITIONER

Versus

STATE OF HARYANA

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Virender Soni, Advocate for the petitioner(s).

Mr. Chetan Sharma, DAG, Haryana.

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. 22, dated 28.01.2024, under Sections 307 of IPC and Section 25 of Arms Act, registered at Police Station Madlauda, Panipat.

2. Learned counsel for the petitioner contends that a bare perusal of the FIR shows that no offence is made out for invoking Section 307 IPC. He further asserts that investigation is complete and challan is presented on 03.04.2024.

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 3 months and 10 days . He has opposed the prayer made in the present petition stating that the petitioner is a habitual offender who is involved in two more cases i.e. FIR No.376/2015 dated 16.09.2015 under Sections 323, 324, 341, 307,



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506/34 IPC registered at P.S. City Gohana, District Sonipat and FIR No. 59/2024 dated 03.02.2024 under Sections 25/54/59 of Arms Act, registered at P.S. Kharkhoda, Sonipat.

4. In view of the above facts and circumstances of the case, this Court is of the considered view that since the petitioner has already behind the bars for 3 months and 10 days and it is an admitted case that no injury has been attributed to the petitioner in any manner whatsoever which could attract Section 307 IPC and in above said two FIRs the petitioner has been granted bail and in this regard 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 land the petitioner in a situation of denial of the concession of bail. Further, 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 and detaining the petitioner behind the bars for an indefinite period



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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. 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.

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

7. Petition is disposed of.

(SANDEEP MOUDGIL)
JUDGE

20.05.2024
anuradha

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