



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

**CRM-M-25271-2024
DECIDED ON:23.05.2024**

SUKHBIR SINGH @ SABI

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Ankur Bansal, Advocate
 for the petitioner.

Mr. Jasjit Singh Rattu, DAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court under Section 439 Cr.P.C. has been invoked seeking regular bail to the petitioner in FIR No. 71, dated 04.10.2023, under Sections 323, 324, 307, 34, 120-B IPC (Sections 302 and 326 IPC added later on), registered at Police Station Rawalpindi, District Kapurthala.

2. It has been contended by learned counsel for the petitioner that he has been falsely implicated in the present case on account of the fact that he is plying the car of Harpreet Singh @ Happo as taxi driver and under vengeance the petitioner has been named as assailant in the present case. It has been further contended that neither any specific role nor any specific injury has been attributed to the present petitioner. Moreover, the injury whatsoever has been attributed either to the petitioner or his co-accused was found not to be dangerous to life and was on the non-vital part of the body.

3. Custody certificate of the appellant filed by learned State counsel is taken on record, who prays for dismissal of the present appeal stating that the petitioner is involved in another case under IPC, meaning thereby, he is a habitual offender.

4. Be that as it may, considering the fact that neither any specific role nor any specific injury has been attributed to the present petitioner added with the fact that challan stands presented wherein, charges have not been framed yet, this Court is of the view that no fruitful purpose would be served by detaining the petitioner behind the bars for an indefinite period, which would also violate his right to life and liberty as well as speedy trial under Article 21 of Constitution of India and is also against the principle “*bail is a rule*” and “*jail is an exception*”, as has been enunciated by the Apex Court in the case of “***Dataram Singh vs. State of Uttar Pradesh & Anr.***” 2018(2) R.C.R. (Criminal) 131.

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

6. In the light of above, the petitioner is directed to be released on regular bail on his furnishing personal/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.
7. In the afore-said terms, the present petition is hereby allowed.
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.

23.05.2024
Sham

(SANDEEP MOUDGIL)
JUDGE

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