



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

**CRM-M-26655-2024
DECIDED ON: 29.07.2024**

MANPREET SINGH ALIAS MANI RAIYA

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. J.S. Thakur, Advocate
for the petitioner.

Mr. Jasjit Singh Rattu, DAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court has been invoked under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No.225, dated 20.09.2021, under Section 364-A IPC, 1860 and Sections 120-B IPC and Section 25 of Arms Act added later on, registered at Police Station Model Town, Hoshiarpur, District Hoshiarpur.

2. Learned counsel for the petitioner contends that it is a case of no injury and the petitioner has been nominated as an accused only on the basis of disclosure statement of co-accused Varinderpal Singh @ Vicky, who has been granted the concession of regular bail by this Court vide order dated 14.11.2023 (Annexure P-2) passed in CRM-M-37406-2023. He further contends that nothing has been recovered from the possession of the petitioner and no role whatsoever has been attributed to connect him with the alleged occurrence.

3. On the other hand, learned State counsel has produced the custody certificate of the petitioner today in Court, which is taken on record. He seeks dismissal of the instant petition on the ground that the petitioner is a habitual offender as he is involved in multiple cases.

4. Be that as it may, considering the custody period i.e. 01 year, 09 months and 18 days for which the petitioner has suffered incarceration; the petitioner has been nominated only on the basis of disclosure statement of co-accused Varinderpal Singh @ Vicky, who has been granted the concession of regular bail by this Court vide order dated 14.11.2023 (Annexure P-2) passed in CRM-M-37406-2023; it is case of no injury added with the fact that challan stands presented to Court on 21.11.2022; charges are yet to be framed, meaning thereby, conclusion of the trial will take a long time for which the petitioner cannot be detained behind the bars for an indefinite period.

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

6. In the light of aforesaid discussion and having gone through the record with the assistance of learned counsel for the petitioner, this Court is obvious of the fact that the petitioner cannot be detained behind the bars for an indefinite period, which would tantamount to violation of principle of criminal jurisprudence i.e. “*bail is a rule and jail is an exception*”, as has been held by Division Bench of this Court in *Rajinder Singh versus State of Haryana; 2022(2) RCR (Criminal) 85* as well as by the Apex Court in “*Dataram Singh vs. State of Uttar Pradesh & Anr.*”, *2018(2) R.C.R. (Criminal) 131* apart from the fact that Article 21 of the Constitution of India also includes right of speedy trial and expeditious disposal of the same.

7. Looking into the totality of facts and circumstances, 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. In the afore-said terms, the present petition is hereby allowed.

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

29.07.2024

Poonam Negi

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No