



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

**CRM-M-29082-2024 (O&M)
DATE OF DECISION: 11.06.2024**

JASLEEN ALIAS BINNI ...PETITIONER

Versus

STATE OF PUNJAB ... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Rhythem Bajaj, Advocate for the petitioner(s).
Mr. J.S. Guru, AAG, 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. 246, dated 22.12.2023, under Sections 353/186/379/411 of IPC and Section 25 of Arms Act, 1959, registered at Police Station City-1, Abohar, District Fazilka (Annexure P-1).

2. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in this case. The allegation against the petitioner is that he along with co-accused man handled with the police party whereas the petitioner has not committed any offence as alleged in the FIR. He further contends that the investigation is complete and challan stands presented on 22.4.2024.

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 last 5 months and 16 days. He has opposed

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the prayer made in the present petition stating that the petitioner is involved in other FIRs also.

4. Be that as it may, keeping in view the facts that the petitioner has already suffered sufficient period in custody i.e. 5 months and 16 days 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 out of 13 prosecution witnesses, none has been 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 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



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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.

9. Since the main case has been allowed, pending application(s), if any also stands disposed of.

(SANDEEP MOUDGIL)
JUDGE

11.06.2024
anuradha

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