

212 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-29488-2023 (O&M)

Date of Decision: 02.02.2024

RAJINDER SINGH @ JINDER

...Petitioner

V/S

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Avtar Singh Bhatti, Advocate and
Ms. Gurpreet Kaur, Legal Aid Counsel for the petitioner.

Mr. Subhash Godara, Addl. AG Punjab.

HARPREET SINGH BRAR J. (Oral)

1. This is the second petition filed under Section 439 of Cr.P.C. seeking grant of regular bail to the petitioner in the case bearing FIR No. 88 dated 27.04.2022 registered under Sections 379-B of Indian Penal Code (offence under Section 411 of IPC added later on) at Police Station Tanda, District Hoshiarpur.

2. Present FIR was lodged on the allegations that on 26.04.2022, the complainant was going to see the construction of his uncle's house and at 9.30 PM, when he reached near village Nangli, one white Indica Car came from behind and the driver of the said car hit the motorcycle of the complainant, due to which he fell down. In the meantime, a young man with muffled face came out of the car and asked the complainant to handover whatever he was having. The complainant gave Rs. 1000/- to that person. Then another assailant snatched the motorcycle and mobile phone from the complainant and after intimidating him, the assailants fled away in the Indica Car and on complainant's motorcycle. The complainant on coming to

know the names of the assailants had provided their identity to the Investigating Agency.

3. Learned counsel for the petitioner *inter alia* submits that the first petition seeking grant of regular bail to the petitioner was dismissed as withdrawn on 15.11.2022 and the trial of the case is progressing at snail's pace and as such in view of the delay in conclusion of the trial, the petitioner has preferred the present petition. Learned counsel further submits that the petitioner is behind the bars since 01.05.2022 and the case set up by the prosecution is highly doubtful as the petitioner is not known to the complainant and how his name has been provided, is not forthcoming from the record. There is nothing on record to establish the identity of the petitioner to have participated in the alleged occurrence.

4. Per contra, learned State counsel has opposed the prayer for grant of regular bail to the petitioner on the ground that the petitioner is a habitual offender and he is involved in three more cases and as such he is not entitled for the concession of regular bail.

5. Having heard the learned counsel for the parties and after perusing the record of the case, it transpires that the petitioner is behind the bars since 01.05.2022. The trial of the case has not made any progress as none of the prosecution witnesses, has been examined so far. So further incarceration of the petitioner without there being the prospect of the conclusion of the trial in the near future, would be violative of Article 21 of the Constitution of India. Culpability, if any, would be determined at the time of the trial.

6. In view of the ratio of law laid down by Hon'ble Supreme Court in ***Prabhakar Tiwari Vs. State of UP and Anr.*** 2020(1) RCR (Criminal)

831 and *Maulana Mohd. Amir Rashadi Vs. State of U.P. and Others* 2012(2) SCC 382, the involvement of accused in other criminal cases cannot be the sole ground to deny him the concession of bail.

7. In view of the above, the present petition is allowed and the petitioner- Rajinder Singh @ Jinder is ordered to be released on regular bail during trial on her furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.

8. Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.

02.02.2024
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

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