



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

206

CRM-M- 31028-2024

Date of Decision:18.09.2024

RAVINDER @ RABBO

...Petitioner

VERSUS

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. M.S. Khaira, Sr. Advocate with
Ms. Jaswinder Singh, Advocate
for the petitioner.

Mr. B.S. Virk, Sr. DAG, Haryana

SANDEEP MOUDGIL, J.(ORAL)

1. The jurisdiction of this Court under Section 439 Cr.P.C., has been invoked for granting regular bail petitioner in case FIR No.93, dated 23.03.2022, Under Sections 148, 149, 302, 307, 427, 452, 506, 120-B of IPC- 1860 (Section 212/201 IPC added later on) & under Section 25 of the Arms Act 1959, Police Station Sadar District Palwal, Haryana (Annexure P-1).

2. Learned counsel for the petitioner contends that the name of the petitioner is not mentioned in the FIR and he has been falsely implicated in this case. Further, no overt act has been attributed to the petitioner and he is behind the bars for last 07 months and 11 days. He further informs this Court that all material witnesses, including the complainant have turned hostile. In support of his arguments, he submits that a mere perusal of the instant FIR would reveal that the incident was witnessed by the complainant-Akash himself, Sonu, Sarfaraj, Jaivir and Gayatri Devi (mother of the complainant & deceased Yashvir) and there was no occasion for the aforesaid complainant and other eye witnesses not to name the present petitioner at the very first stage of registration of the instant FIR.

Moreover, the present petitioner was arrested on 06.02.2024 under Section 120-B



IPC on the disclosure statement of the co-accused.

3. Learned counsel for the petitioner further submits that the case of the present petitioner is at parity with the co-accused-namely Bunti Sharma, who has already been granted the concession of regular bail by this Court, vide order dated 13.05.2024 in CRM-M-23768-2024 (Annexure P-7) and Narvir @ Bhola in CRM-M- 27067-2024 on 31.05.2024 (Annexure P-8).

4. The learned State counsel does not dispute the aforesaid fact regarding the concession of regular bail being granted by this Court to the co-accused namely Bunti Sharma and Narvir @ Bhola. He has filed the custody certificate for the petitioner, which is taken on record. According to the same, the petitioner is behind the bars for last 07 months and 11 days and he also seeks dismissal of the present petition on the ground that the petitioner is involved in other FIRs also, meaning thereby that he is a habitual offender.

5. Having heard the learned counsel for the respective parties, this Court is of the considered view that, since the petitioner has already suffered sufficient period in custody i.e. 07 month and 11 days, the petitioner was not named in the instant FIR and no overt act has been attributed to him. Moreover, without adverting to the merits of the case that the material witnesses have turned hostile, this Court deems it appropriate to grant concession of regular bail to the present petitioner.

6. 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 has been prolonged and is likely to take a considerable amount of time. Therefore, detaining the petitioner



behind the bars for an indefinite period would amount to violation of Article 21 of the Constitution of India and is also 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”*.

7. As far as the pendency of the other case and the involvement of the petitioner in other cases is concerned, reliance can be placed upon the order of this Court as rendered in CRM-M-25914-2022 titled *“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.

8. In view of the aforesaid discussions made hereinabove, the petitioner is hereby directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

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.



10. The petition om the aforesaid terms, stands allowed.

(SANDEEP MOUDGIL)
JUDGE

18.09.2024
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1. Whether speaking/reasoned?	Yes/No
2. Whether reportable?	Yes/No