



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

**CRM-M-31194-2024
DECIDED ON: 09.07.2024**

NAVEEN ALIAS NANGA

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Deepender Singh, Advocate
for the petitioner.

Mr. Chetan Sharma, DAG, Haryana.

Mr. Ajay Rawat, Advocate
for the complainant.

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.345, dated 31.08.2021, under Sections 147, 148, 302, 323, 506 IPC and Section 25 of Arms Act (Sections 364, 212 IPC and Section 25 of Arms Act added later on), registered at Police Station Ballabgarh Sadar, District Faridabad.

2. Learned counsel for the petitioner contends that no injury has been attributed to the petitioner on the person of the deceased with farsa as is evident from postmortem examination report (Annexure P-3). Reference has been made by learned counsel for the petitioner to the medico legal report of the injured Pardeep who was allegedly given farsa blow by the present petitioner that too on the back wherein only linear abrasions has been mentioned on upper back largest being 6 cmm approx on right side and these

injuries have not been declared to be grievous in nature and even as per the case of the prosecution as pointed out by Mr. Chetan Sharma, DAG, Haryana that there is no specific injury attributed to the petitioner on the person of the deceased Bhupender. He further contends that the co-accused of the petitioner, namely, Suryadev, Manoj, Chander Bhan, Kanwarpal @ Bholi, Lekhra @ Lehra, Yogesh Kumar and Rohit Ranai and Om Parkash @ Babbar have already been granted the concession of regular bail by Co-ordinate Bench of this Court vide Annexures P-6 to P-9.

3. 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 urging that the petitioner is involved in two more cases, meaning thereby he is a habitual offender.

4. Be that as it may, considering the custody period i.e. 02 years, 09 months and 28 days for which the petitioner has suffered incarceration; no injury has been attributed to the petitioner on the person of the complainant; co-accused of the petitioner, namely, Suryadev, Manoj, Chander Bhan, Kanwarpal @ Bholi, Lekhra @ Lehra, Yogesh Kumar and Rohit Ranai and Om Parkash @ Babbar have already been granted the concession of regular bail by the Co-ordinate Bench of this Court vide Annexures P-6 to P-9 added with the fact that the 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. Therefore, 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.

09.07.2024
Poonam Negi

(SANDEEP MOUDGIL)
JUDGE

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