

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-33403-2023
DECIDED ON: 16.01.2024

JASBIR @ MONU

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Dinesh Sharma, Advocate and
Mr. Nikhil Mittal, Advocate for the petitioner.

Mr. Gurbir Singh Dhillon, AAG Haryana.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court has been invoked under Section 439 Cr.P.C., seeking regular bail to the petitioner in FIR No.56, dated 17.03.2023, under Sections 399, 400, 401, 402, 506, 216, 120-B of IPC and Sections 25 (60, 25(7), 29(b) of Arms Act, registered at Police Station Farakpur, District Yamunanagar.
2. Learned counsel for the petitioner contends that there is a delay of 10 in lodging the FIR, as the alleged incidence took place on 07.03.2023, whereas the instant FIR got registered on 17.03.2023. He further contends that the petitioner was not present at the time of alleged occurrence.
3. Learned State counsel has filed the custody certificate of the petitioner, which is taken on record. According to the custody certificate, the petitioner is behind the bars for the last 9 months and 25 days. He prays for dismissal of the present petition on the ground that the petitioner is involved in other cases, however could not controvert the fact that the present FIR was lodged after a delay of 10 days.

4. Considering the fact that the present FIR has been lodged after a delay of 10 days to which no reasonable explanation has been put forth by the learned State counsel moreover the petitioner was not present at the time of occurrence added with the fact that trial will certainly take long time, as out of total 34 prosecution witnesses none has been examined so far after framing of charges on 21.12.2023, no useful purpose would be served by keeping the petitioner behind the bars, which would amount to infringement of his right to life and liberty, as enshrined under Article 21 of Constitution of India.

5. As far as the contention of learned State counsel with regard to pendency of 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, this Court observed that pendency of other FIRs involving the accused-petitioner cannot be a predicament to consider the case for anticipatory bail or regular bail, as the evidence of the material involved in those FIRs can be treated in those cases alone and not material in instant FIR against the accused-petitioner to hold him guilty.

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. The present petition is hereby allowed.

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

(SANDEEP MOUDGIL)
JUDGE

16.01.2024

Meenu

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