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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-32743-2024

Date of decision : 17.7.2024

Mohd. Jeeshan

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Saleem Ahmed, Advocate, for the petitioner

Mr. J.S. Rattu, DAG, Punjab

SANDEEP MOUDGIL, J (ORAL)

This petition under section 439 Cr.P.C. has been filed for grant of regular bail to the petitioner in case FIR No.460 dated 4.5.2016, under Sections 346, 387, 395, 420, 506 (2) of the IPC, and Sections 25 of Arms Act, 1959, registered at Police Station Sadar Gurugram, District Gurugram.

2. Learned counsel for the petitioner would submit that the petitioner has been falsely implicated in the present case. He is working as labourer in the village and has no connection with the alleged offence. He was not present at the spot at the time of alleged occurrence and therefore, question of snatching of mobile phone and other articles and beating the complainant does not arise. He would further contend that on written statement of complainant, zero FIR was registered against some unknown persons at Pune and later on it was transferred to Gurugram, and the



petitioner was not named in the zero FIR.

3. Notice of motion.

4. On the asking of Court, Mr. J.S. Rattu, DAG, Punjab, who is present in Court, accepts notice on behalf of respondent-State, who has produced the custody certificate, which is taken on record. According to the custody certificate, the petitioner is behind the bars for the last 4 months and 21 days and on instructions, submits that the petitioner is a habitual offender involved in two other cases, bearing FIR No.409 dated 7.11.2015 and FIR No.34 dated 6.2.2024, out of which one is of similar nature and the second is under Section 174-A IPC.

5. Be that as it may, having given considerable thought including the fact that the petitioner has already completed incarceration of 4 months and 21 days. The challan in the instant case was presented on 20.5.2024, wherein a list of 28 prosecution witnesses is attached, charges are yet to be framed, which is sufficient to convince the Court that trial will certainly take long time, no useful purpose would be served by keeping the petitioner behind the bars.

6. 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 lend the petitioner in a situation of denial the concession of bail.

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

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.

9. The petition stands allowed.

(SANDEEP MOUDGIL)
JUDGE

17.7.2024
Ashwani

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