

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

CRM-M-36449-2023
DECIDED ON: 09.01.2024

ASHU BHALLA AND ANOTHERPETITIONERS

VERSUS

STATE OF PUNJABRESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Kushagra Mahajan, Advocate for the petitioner No.1.

Mr. K.P. Singh, Advocate for petitioner No.2.

Mr. Anmol Singh Sandhu, AAG Punjab

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court has been invoked under Section 439 Cr.P.C., seeking regular bail to the petitioners in FIR No.51, dated 31.03.2023, under Sections 379-B of IPC, registered at Police Station A-Division, Amritsar City, District Amritsar.

2. Learned counsel for the petitioners contends that the only allegation is of snatching of mobile phone. Without adverting to the merits, he submits that trial proceeding at a snail's pace, wherein out of total 19 prosecution witnesses, none has been examined, since the presentation of challan on 17.07.2023.

3. Learned State counsel has filed the custody certificate of the petitioner No. 1 namely Ashu Bhalla, which is taken on record. According to the custody certificate, the petitioner No.1 has undergone 9 months and 8 days and is involved in various other cases. As far as the contention qua petitioner No.2 namely Vishal @ Hulla, the custody is same, but he is not involved in any other case, as has been informed by learned State counsel.

4. Considering the aforesaid facts and circumstances and the custody undergone by the petitioners i.e., 9 months and 8 days added with the fact that trial is moving at snail's pace, wherein despite presentation of challan on 17.07.2023 even the charges have not been framed so far. As far as the contention of learned State counsel with regard to pendency of other cases against petitioner No.1 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.

5. In the light of above, no useful purpose would be served by keeping the petitioners behind the bars for an indefinite period, which would amount to infringement of his right to life and liberty, as enshrined under Article 21 of Constitution of India and is against the principle “bail is rule and jail is an exception”

6. Hence, the present petition is allowed and the petitioners are directed to be released on regular bail on their furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

7. 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

09.01.2024

Meenu

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