

**CRM-M-35987-2024****1****219.****IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M-35987-2024****Date of decision: 14.10.2024**

Gulab Singh

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH

Present: Mr. Prashant Bansal, Advocate for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana.

Mr. G.S.Sandhu, Advocate for the complainant.

GURBIR SINGH, J.

1. Prayer in this petition filed under Section 483 of BNSS, 2023 is for grant of regular bail to the petitioner in case FIR No.324, dated 28.08.2018, under Sections 148, 149, 323, 324, 452, 506 IPC registered at Police Station Nissing, District Karnal.

2. The aforesaid FIR was registered on the complaint of Arjun Singh with the allegation that on 26.07.2018 at about 06:30 PM when he was present in his house, Sandeep, Jashandeep, Gurtaj, Midda Pehalwan, Gulab (present petitioner) and two other persons forcibly entered in his house. Sandeep gave lalkara to teach the complainant a lesson for not compromising the case and to kill him. All the accused started abusing the

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complainant and caused injuries to him, broke windowpanes, gate and motorcycle etc. When the complainant shouted for help, his brother Bhagel Singh and Azad Singh came to his house and when the accused tried to cause injuries to them, all of them rescued themselves with a great difficulty. On seeing the neighbours reaching at the spot, accused persons fled away from the spot threatening to kill them in future if the complainant did not withdraw his case from the court.

3. Learned counsel for the petitioner submits that petitioner was earlier granted bail by the trial Court vide order dated 08.07.2019. Due to mis-communication of date, he could not appear before the trial Court on 13.10.2023. The petitioner was named in case FIR No.145 of 2021 under Sections 302, 323, 324, 120-B IPC registered at Police Station Nissing. The petitioner surrendered before the Court on 13.02.2024. Thereafter, the petitioner was produced before learned trial Court on production warrant and was taken into judicial custody on 10.04.2024 and he is in jail since then.

4. Learned State counsel and learned counsel for the complainant have opposed the bail to the petitioner on the ground that the petitioner has been terrorizing the witnesses of this case. Bhagel Singh was the prosecution witness amongst the star witnesses of prosecution case and he was murdered allegedly by the petitioner in association with some other persons and consequently, FIR No.145/2021 was registered. The petitioner was summoned by the

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learned trial Court under Section 319 Cr.P.C. The petitioner intentionally did not appear before the learned trial Court and was declared as proclaimed person. He did not surrender in the Court and he was arrested in case FIR No.145/2021 and thereafter, police produced him on the production warrants in this case and was taken into the custody. He further submits that the petitioner is involved in 6 other cases.

5. At this stage, learned counsel for the petitioner submits that petitioner has also been granted bail in case FIR No.145 dated 03.05.2021 (supra) vide order dated 17.07.2024 passed by the Coordinate Bench of this Court in CRM-M-32459-2024. In other cases registered against him, he is already on bail.

6. I have heard the submissions made by learned counsel for the parties.

7. Reliance is placed upon the judgment of Hon'ble Supreme Court in *Dataram Versus State of Uttar Pradesh and another, 2018(2) R.C.R. (Criminal) 131* wherein it has been held that grant of bail is a general rule and putting persons in jail or in prison or in correction home is an exception.

8. As far as the involvement of petitioner in other cases is concerned, this Court in *CRM-M-25914 of 2022* titled as *Baljinder Singh alias Rock Versus State of Punjab, decided on 02.03.2023*, while referring Article 21 of the Constitution of India, has held that no doubt at the time of granting bail, the criminal antecedents of the petitioner are to be looked into

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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 an eventuality, strict adherence to the rule of denial of bail on account pendency of other cases/convictions in all probability would land the petitioner in a situation of denial of the concession of bail.

9. In the instant case all the offences except Section 452 IPC are bailable. Considering the fact that the petitioner has been granted bail earlier in this FIR but due to his absence, his bail was cancelled and was declared proclaimed person and later on arrested in this case on 10.04.2024 and is in custody since then; culpability of the petitioner would be decided during trial and conclusion of trial will take some time, this Court deems it appropriate to release the petitioner on regular bail.

10. Accordingly, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing person bond of Rs.1 lac with two surety bonds of the same amount and one surety shall be resident of District Karnal, to the satisfaction of concerned learned trial Court/Chief Judicial Magistrate/Duty Magistrate, with a further condition that the petitioner shall get his mobile phone registered in the trial Court for receiving messages on CIS system and shall not change his mobile phone during the pendency of the case. He shall also furnish his residential address to the trial Court as well as to the concerned police station and shall not change



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his residence without intimation to the concerned police station. The trial Court may impose any other condition as it deems fit.

11. However, it is made clear that anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case and the trial Court shall decide the case on the basis of material available before it.

(GURBIR SINGH)
JUDGE

14.10.2024

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