

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-43809-2023
DECIDED ON: 19.01.2024

VISHAL @ RAVIPETITIONER

VERSUS

STATE OF HARYANARESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Dr. Anju Sharma, 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.29, dated 13.02.2023, under Sections 302, 201, 34, 120-B of IPC and Section 25 of Arms Act, registered at Police Station Baragudha, District Sirsa.
2. Learned counsel for the petitioner contends that no specific injury has been attributed to the petitioner except that he was accompanying the other co-accused at the time of commissioning of offence.
3. Learned State counsel has filed the custody certificate of the petitioner, which is taken on record. According to the custody certificate, the petitioner has suffered incarceration of 11 months and 1 days. He does not controvert the submissions made by learned counsel for the petitioner. Though, he prays for dismissal of the present petition on the ground that the petitioner is involved in two other cases out of which in one case, he stands acquitted on 06.04.2023 and in another case, he is on bail.

4. Be that as it may, considering the fact that no injury whatsoever has been attributed to the petitioner, as has been admitted by learned State counsel and the petitioner has suffered incarceration of 11 months, wherein charges have been framed on 17.05.2023 and out of total 17 prosecution witnesses, none has been examined, which is suffice to convince this Court that trial is likely to take long time, 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 the light of above 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

19.01.2024

Meenu

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