



211

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

CRM-M-49292-2023

Date of Decision: September 04, 2024

SONA SINGH @ SONU

....Petitioner(s)

VERSUS

STATE OF PUNJAB

....Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Ms. Pushpinder Kaur, Advocate for
Ms. Riffi Birla, Advocate
for the petitioner.

Mr. J.S. Rattu, DAG, Punjab.

SANDEEP MOUDGIL, J.(ORAL)**1. Relief Sought**

The jurisdiction of this Court under Section 439 Cr.P.C. has been invoked seeking the concession of regular bail for the petitioner in FIR No.26 dated 27.02.2023, under Section 379-B of IPC and Section 25 of Arms Act, 1959, registered at Police Station Vairoke, District Fazilka.

2. A perusal of the order-sheet would depict that vide order dated 18.03.2024, the petitioner was ordered to be released on bail subject to furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned with certain conditions as incorporated in the said order.

3. Further, later part of that order has though suggested that case was adjourned to 15.04.2024 to file detailed response by the State bringing on record any other material against the present petitioner except disclosure statement, on which basis he has been nominated as an accused. Thereafter,



though a status report has been filed but except the version narrated in the disclosure statement and the basis made thereof, no other incriminating material has been shown to the Court on the basis of which he has been nominated as an accused and accordingly, after filing of said response the case was adjourned to 30.04.2024 on which date another status report was filed by way of an affidavit of Sh. Achhru Ram Sharma, PPS, Deputy Superintendent of Police, Sub Division Jalalabad, District Fazilka, on behalf of the State along with certain Annexures wherein also nothing in addition to the earlier affidavit could be brought on record except memo of recovery qua the motorcycle make Hero Delux along with two mobile phones on 25.03.2023 in FIR No.30 dated 23.03.2023 under Sections 379, 392 IPC and Section 25 of Arms Act, registered at Police Station Sadar, Jalalabad, along with the statement of complainant-Rajat, who identified the present petitioner.

4. This Court is sanguine of the fact and even after asking the learned State counsel as to whether any application for cancellation of bail has been filed so far or is being contemplated to which the answer is in negative. This Court is duly convinced and would infer that there is no intention to seek cancellation of bail which stands granted by the coordinate bench vide order dated 18.03.2024. Even otherwise, considering the custody part i.e. 11 months and 21 days as has already been incarcerated by the petitioner wherein charges were framed on 10.08.2023 and out of total 14 prosecution witnesses, only 03 prosecution witnesses have been examined so far and the conclusion of trial is likely to take considerable time and further detention of the petitioner cannot be permitted for an indefinite period as would be violative of Article 21 of the Constitution of India.

5. As far as the contention raised on behalf of learned State counsel qua the pendency of other cases is concerned as reflected in the custody



certificate in which he is already on bail that also cannot be predicament for this Court to consider the present case in the instant FIR for granting bail to the petitioner in the light of 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 land the petitioner in a situation of denial of the concession of bail.

5. Decision:

In view of the aforesaid discussions made hereinabove, the petitioner is hereby directed to be released on regular bail under 439 Cr.P.C. on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

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

The petition in the aforesaid terms stands allowed.

(SANDEEP MOUDGIL)
JUDGE

04.09.2024
Sangeeta

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