

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-58600-2023
DECIDED ON: 04.03.2024

RAJAN

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. G.S. Bawa, Advocate
for the petitioner.

Mr. Jasjit Singh Rattu, DAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court under Section 439 Cr.P.C. has been invoked for the grant of regular bail to the petitioner in case FIR No. 19, dated 18.03.2023, under Sections 379-B(2), 34 IPC, registered at Police Station Jhander, District Amritsar Rural.
2. Learned counsel for the petitioner submits that the petitioner has been nominated in the present case on the basis of his own disclosure statement made on 14.04.2023 during investigation in an FIR No.25 dated 12.04.2023, under Sections 399, 402 of IPC and Sections 25/54 of Arms Act, 1959, registered at Police Station Jhander, District Amritsar Rural regarding the commission of snatching of motorcycle and mobile phone pertaining to the present FIR. He further submits that investigation in the present case is completed and nothing is to be recovered from the petitioner.

3. Custody certificate of the petitioner filed by learned State counsel is taken on record. He prays for dismissal of the present petition urging that the petitioner is a habitual offender, who is involved in two other cases, therefore, does not deserve the concession of bail at least at this stage.

4. Faced with the situation, learned counsel for the petitioner submits that out of other two cases in one case i.e., FIR No.25 dated 12.04.2023, the petitioner is on bail.

5. Heard, learned counsel for the respective parties.

6. Be that as it may, considering the fact that no recovery is to be effected from the petitioner, who has already suffered incarceration of 10 months and 16 days added with the fact that after framing of charges on 20.11.2023, wherein total 9 prosecution have been cited by the prosecution and till date none has been examined so far, which is sufficient to infer this Court that conclusion of trial shall take considerable time, no useful purpose would be served by keeping the petitioner behind bars for an indefinite period, which would also violate the principle of right to speedy trial and expeditious disposal under Article 21 of Constitution of India, as has been time and again discussed by this Court, while relying upon the judgment of the Apex Court passed in ***Dataram Singh vs. State of Uttar Pradesh & Anr.*** ***2018(2) R.C.R. (Criminal) 131.***

7. 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.

8. In view of the 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.

9. The present petition is, hereby, allowed.

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

04.03.2024

Sham

(SANDEEP MOUDGIL)
JUDGE

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