

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

207

CRM-M-62658 of 2023  
Date of Decision: 19.04.2024

Mehtab Singh

..... Petitioner

Versus

State of Haryana

..... Respondent

**CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. Sanpreet Sandhu, Advocate for the petitioner.

Mr. Baljinder Singh Virk, Sr. DAG, Haryana.

Mr. Rahul Deswal, Advocate for the complainant.

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**SANDEEP MOUDGIL, J (ORAL)**

This is a petition seeking regular bail to the petitioner in FIR No.145, dated 03.05.2021, under Sections 148, 149, 323, 324 and 506 of the Indian Penal Code, 1860 (Sections 302, 120-B, 195-A and 34 IPC added later on), registered at Police Station Nissing, District Karnal.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case and his motor-cycle was used in the commissioning of the offence on which the other co-accused persons have travelled to execute the offence. Apart from that, no other iota of incriminating material was found against the petitioner in the FIR itself and subsequent in the investigation.

Learned State counsel, on the other hand, has produced the copy of the custody certificate, which is taken on record and he prays for dismissal of the instant petition stating that the petitioner is involved in other cases meaning thereby he is a habitual offender.

Be that as it may, considering the fact that investigation is complete, challan stands filed and earlier charges have been framed on

14.10.2021 and subsequently, fresh charges have been framed on 28.03.2024 and the fact that out of total 45 prosecution witnesses, only 01 has been examined so far which is sufficient to infer for this Court that the trial will take long time, no useful purpose would be served by keeping the petitioner behind the bars for uncertain period, wherein bail is a rule and jail is an exception and it 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 the judgment of the Apex Court passed in *Dataram Singh vs. State of Uttar Pradesh & Anr. 2018(2) R.C.R. (Criminal) 131.*

As far as the pendency of other cases and involvement of the petitioner in 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, 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 view of the above, petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, concerned.

The present petition is, hereby, allowed.

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

**19.04.2024**  
*D.Bansal*

**(SANDEEP MOUDGIL)**  
**JUDGE**