

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-64765-2023
DECIDED ON: 09.01.2024

PUNEET SINGH ALIAS HARRY ALIAS GOLA
.....PETITIONER

VERSUS

STATE OF PUNJAB
.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Jashan Singh Brar, Advocate for
Mr. Harjinder singh, Advocate for the petitioner.

Mr. H.S. Sitta, DAG Punjab.

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.21, dated 09.02.2023, under Sections 365, 326, 34 of IPC, 1860 (Sections 25 of Arms Act and Section 379-B, 506, 201 and 120-B of IPC added later on), registered at Police Station Phase-1, District SAS Nagar (Annexure P-1).
2. Learned counsel for the petitioner contends that there is no incriminating material to connect the petitioner with the commissioning of offence, as has been alleged in the FIR, but the petitioner has been nominated as an accused merely with the allegation that all the other co-accused persons after commissioning of the offence staying with the present petitioner, who was not even aware of as to what illegal act has been committed by the other co-accused persons.
3. Learned State counsel has filed the custody certificate of the petitioner, which is taken on record. On merits, he asserts that since all the other co-accused

persons were within a shelter after commissioning of the offence at the place of petitioner from whom recovery of two pistols, 7 cartridges and 1 khanda was effected, who is involved in multiple cases, as is reflected from the custody certificate produced before this Court today.

4. Be that as it may, it is an admitted position informed to the Court by the learned State counsel that the weapons recovered from the house of the petitioner were neither used in the commissioning of offence nor any injury from the said weapon has come forth on record.

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. On a query put by this Court, learned State counsel submits that challan stands presented on 24.05.2023 and since then charges have not been framed, wherein 28 prosecution witnesses are to be examined, which shows that trial is likely to take long time, no useful purpose would be served by keeping the petitioner behind the bars for an indefinite period, which would violate the principle of right to life and liberty, as enshrined under Article 21 of the Constitution of India.

7. 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/Duty Magistrate, concerned.

8. The present petition is, hereby, allowed.

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

09.01.2024

Meenu

(SANDEEP MOUDGIL)
JUDGE

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