

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

242 CRM-M-61071-2024
DATE OF DECISION: 20.12.2024

RAM DHARI ...PETITIONER

Versus

STATE OF HARYANA ... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. K.K .Khatter, Advocate for the petitioner(s).

Mr. Chetan Sharma, DAG, Haryana.
Mr. Rajiv Verma, DAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

1. Relief Sought

This petition has been filed under Section 483 BNSS of 2023 for grant of regular bail to the petitioner in case FIR No.352, dated 18.05.2023 (Annexure P-1), under Sections 20B(ii)(c)/ 27A of NDPS Act, 1985, registered at Police Station City Hansi, Police District Hansi, District Hisar in the interest of justice.

2. Prosecution story set up in the present case as per the version in the FIR reads as under :-

‘TO, SHO POLICE STATION CITY HANSI, JAI HIND TODAY ON 18.05.2023 1, MYSELF ASI HEMRAJ NO. 1703/RTK HARYANA STATE NARCOATICE CONTROL BUREAU UNIT HISAR ALONGWITH FELLOW EMPLOYEES EASI SANJAY KUMAR NO. 364/ HISAR HC VIKRANT NO. 218/HISAR CONSTABLE RAJBIR NO. 221/DADRI IN THE GOVT VECHILE BEARING NO. HR 05 GV 2751 MARKA ISUZU WHOSE DRIVER PARMOD NO. 5/688 HAP WERE PRESENT IN THE AREA OF HANSI TO LALPURA ROAD NEAR SHANI MANDIR FOR THR PURPOSE OF CRIME DETECTION OF NARCOATICS SUBSTANCE AT THAT TIME SECREAT INFORMER MET AND MADE THE INFORMATION THAT VISHWASH SON OF KAMAL DAAS RESIDENT OF SISAI PULL HANSI AND CHATAR PAL SON OF JUNA RESIDENT OF VILLAGE SULCHANI DISTRICT HISAR COMING WITH GANJA IN PLASTIC BAG TOWARDS THE SIDE OF LALPURA ON MOTORCYCLE BEARING NO. HR 21 L

1223 MARKA SPLENDOUR PLUS, IF IMMEDIATE NAKABANDI WOULD BE CONDUCTED THEN HE MAY BE APPREHENDED WITH THE HEAVY QUANTITY OF GANJA THE INFORMATION GIVEN BY RELIABLE PERSON AND ITS FOUND TO BE TRUE I ASI INFORMED THE FELLOW EMPLOYEES AND REPORT U/S 42 NDPS ACT HAS BEEN PREPARED ACCORDINGLY AND BEING HANSI THEREAFTER I ASI WITH THE FELLOW EMPLOYEES WAS BUSY TO CONDUCT THE NAKABANDI IN GOVT VEHICLE. AFTER AWAITING SOMETIME TWO YOUNG BOYS RIDING ON MOTORCYCLE CAME TO BE SEEN FROM THE VILLAGE LALPURA SIDE, IN BETWEEN THEM ONE PLASTIC BAG COLOUR WHITE KEPT TO BE SEEN ON THE MOTORCYCLE. WHEN THEY SAW THE POLICE-PARTY STANDING IN FRONT OF THEM THEY TRIED TO TURN BACK THE MOTORCYCLE AND RUNS AWAY FROM THERE, THEN I ASI WITH THE HELP OF FELLOW EMPLOYEES APPREHENDED BOTH THE BOYS. AS PER THE INFORMATION, THE NUMBER OF MOTORCYCLE HR 21-L 1223 MARKA SPLENDOUR PLUS FOUND TO BE CORRECT. FIRSTLY, I ASI, ASKED THE NAME OF DRIVER OF MOTORCYCLE, WHO DISCLOSED HIS NAME VISHWASH SON OF KAMAL DAAS RESIDENT OF SISAI PULL HANSI WHO WAS LIMPING, THE PERSON SITTING BEHIND THE MOTORCYCLE DISCLOSED HIS NAME CHATRPAL SON OF JUNA RESIDENT OF VILLAGE SULCHANI DISTRICT HISAR. I ASI ON THE BASIS OF SURETY ABOUT NARCOATICS HAVING BY ABOVE VISHWASH WITH HIM OR IN THE PLASTIC BAG KEPT ON MOTORCYCLE NOTICE U/S 50 NDPS ACT HAS GIVEN AS PER RULE, THAT I ASI HEMRAJ 1703/RTK IS POSTED AT HARYANA STATE NARCOATICS CONTROL BUREAU UNIT HISAR AS A INVESTIGATION OFFICER, I GAVE FULL INTRODUCTION ABOUT ME AND MY TEAM TO YOU VISHWAS SON OF KAMAL DAAS RESIDENT OF SULCHANI DISTRICT HISAR IS RIDING ON MOTORCYCLE BEARING NO. HR 21 L 1223 MARKA SPLENDOUR PLUS YOU ARE THE DRIVER ON MOTORCYCLE YOU BOTH ARE HAVING ONE PLASTIC BAG BETWEEN YOU ON MOTORCYCLE, IN WHICH INFORMATION HAS GOT RECEIVED ABOUT NARCOATICS SUBSTANCE, AS PER THE NDPS ACT YOU HAVE RIGHT THAT YOU AND YOUR MOTORCYCLE CAN BE SEARCHED IN PRESENCE OF GAZETTED OFFICER OR MAGISTRATE THEN HE MAY CALLED ON THE SPOT OR YOU CAN PRODUCED BEFORE THEM WITH MOTORCYCLE AND THE BAG PLASTIC IN YOUR POSSESSION, THE NOTICE READ OVER, UNDERSTAND TO YOU. SO, YOU HAVE BEEN INFORMED THROUGH THIS NOTICE AND TELL YOUR STAND, NOTICE U/S 50 NDPS ACT HAS BEEN PREPARED. ON THE NOTICE U/S 50 NDPS ACT THE ABOVE VISHWAS AND WITNESSES PUT THEIR OWN SIGNATURE. THEREAFTER THINK ABOUT SOMETIME THE ABOVE VISHWASH AND HAS WRITTEN HIS REPLY OF NOTICE U/S 50 NDPS ACT I VISHWASH SON OF KAMAL DAAS IS RESIDENT OF SISAI PULL HANSI DISTRICT HISAR YOU ASI HEMRAJ NO 1703/RTK HARYANA STATE NARCOATICS CONTROL BUREAU UNIT HISAR, GAVE ME YOUR AND YOUR TEAM FULL INTRODUCTION, I FULLY UNDERSTAND THE NOTICE U/S 50 NDPS ACT GIVEN BY YOU. I AM DRIVER OF MOTORCYCLE NO. HR 21 L 1223 MARKA SPLENDOUR PLUS THE PERSON SITTING BEHIND ME ON MOTORCYCLE IS CHATRPAL BOTH OF THEM HAVING PLASTIC BAG COLOUR WHITE BETWEEN US ON THE MOTORCYCLE. WHATEVER IN OUR POSSESSION

IS BELONGING TO US. I WANTS TO CONDUCT MY SEARCH AND OUR MOTORCYCLE SEARCH AND BAG WHITE COLOUR LYING WITH US IN PRESENCE OF GAZETTED OFFICER CALLED ON THE SPOT SO YOU CAN CALLED ANY GAZETTED OFFICER ON THE SPOT I WRITTEN MY REPLY OF NOTICE AFTER SPEAKING YOU, YOU TOLD ME REPLY OF NOTICE AFTER READ OVER AND UNDERSTAND TO ME. REPLY OF NOTICE U/S 50 NDPS ACT HAS BEEN PREPARED, ON THE NOTICE ABOVE VISHWASH AND THE WITNESSES HAS PUT THEIR OWN SIGNATURE. THEREAFTER I ASI GAVE THE NOTICE U/S 50 NDPS ACT TO CHATRPAL WITH REGARD TO HAVE THE NARCOATICS WITH HIM AS PER RULE, I ASI HEMRAJ 1703/RTK IS POSTED AT HARYANA STATE NARCOATICE CONTROL BUREAU UNIT HISAR AS A INVESTIGATION OFFICER, I GAVE FULL INTRODUCTION ABOUT ME AND MY TEAM TO YOU CHATERPAL SON OF JUNA RESIDENT OF SULCHANI DISTRICT HISAR, YOU CHATARPAL AND VISHVASH SON OF KAMAL DASS RESIDENT OF SISAI PUL HANSI IS RIDING ON MOTORCYCLE BEARING NO. HR 21 L 1223 MARKA SPLENDOUR PLUS, YOU BOTH ARE HAVING ONE PLASTIC BAG BETWEEN YOU ON MOTORCYCLE, IN WHICH INFORMATION HAS GOT RECEIVED ABOUT NARCOATICS SUBSTANCE, AS PER THE NDPS ACT YOU HAVE RIGHT THAT YOU AND YOUR MOTORCYCLE CAN BE SEARCHED INMAY CALLED ON THE SPOT OR YOU CAN PRODUCED BEFORE THEM WITH MOTORCYCLE AND THE BAG PLASTIC IN YOUR POSSESION, THE NOTICE READ OVER, UNDERSTAND TO YOU. SO, YOU HAVE BEEN INFORMED THROUGH THIS NOTICE AND TELL YOUR STAND, NOTICE U/S 50 NDPS ACT HAS BEEN PREPARED. ON THE NOTICE U/S 50 NDPS ACT THE ABOVE CHATARPAL PUT HIS LEF THUMB IMPRESSION AND THE WITNESSES PUT THEIR OWN SIGNATURE. THEREAFTER THINK ABOUT SOMETIMES THE ABOVE CHATERPAL HAS WRITTEN HIS REPLY OF NOTICE U/S 50 NDPS ACT I CHATERPAL SON OF JUNA IS RESIDENT OF VILLAGE SULCHANI DISTRICT HISAR YOU ASI HEMRAJ NO 1703/RTK HARYANA STATE NARCOATICS CONTROL BUREAU UNIT HISAR, GAVE ME YOU AND YOUR TEAM FULL INTRODUCTION, I FULLY UNDERSTAND THE NOTICE U/S 50 NDPS ACT GIVEN BY YOU. I WAS SEATING BEHIND ON MOTORCYCLE NO. HR 21 L 1223 MARKA SPLENDOUR PLUS WHICH WAS DRIVEN BY VISHVASH SON OF KAMAL DASS RESIDENT OF SISAI PUL HANSI DISTRICT HISAR, WE BOTH OF US HAVING PLASTIC BAG COLOUR WHITE BETWEEN US ON THE MOTORCYCLE. WHATEVER IN OUR POSSESION IS BELONGING TO US. I WANTS TO CONDUCT MY SEARCH AND OUR MOTORCYCLE SEARCH AND BAG WHITE COLOUR LYING WITH US IN PRESENCE OF GAZETTED OFFICER CALLED ON THE SPOT. SO YOU CAN CALLED ANY GAZETTED OFFICER ON THE SPOT I WRITTEN MY REPLY OF NOTICE 100SPEAKING YOU. YOU TOLD ME REPLY OF NOTICE AFTER OVER AND UNDERSTAND TO ME. REPLY OF NOTICE U/S 50 NDPS ACT HAS BEEN PREPARED, ON THE NOTICE ABOVE CHATARPAL HAS PUT HIS LEFT THUMB IMPRESSION AND THE WITNESSES HAS PUT THEIR OWN SIGNATURE. THEREAFTER TIME AROUND 6.30 PM AS PER THE LIST ISSUED BY DEPUTY COMMISIONER HISAR WITH REGARD TO NDPS CASES, THE OFFICERS APPOINTED BY HIM, I ASI CONTACTED WITH MY MOBILE NO. 8708046211 TO GAZETTED OFFICER SHRI MAHIPAL B.A.O

OFFICE OF B.A.O HANSI MOBILE NO. 9416244961 AND MADE REQUEST AFTER TELLING THE FACTS TO REACH ON THE SPOT, THEN HE TOLD THAT RIGHT NOW I AM IN HISAR, YOU. CAN CONTACT GAZETTED OFFICER DR. SH. SUDHIR MALIK, V.S. Office G,VH HANSI ON MOBILE NO.9813121515, ON 6:33 PM I ASI CONTACTED WITH MY MOBILE NO.8708046211 TO THE GAZETTED OFFICER DR. SH. SUDHIR MALIK, V.S. OFFICE G,VH HANSI ON MOBILE NO.9813121515, THEN HE TOLD THAT I HAVE BEEN TRANSFERRED, SO I CANNOT COME THEN I ASI AGAIN CONTACTED WITH MY MOBILE NUMBER TO GAZETTED OFFICER SH. MAHIPAL, BAO, OFFICE OF BAO HANSI ON MOBILE NO.9416244961, THEN HE TOLD THAT I AM NOT HAVING THE VEHICLE, SO YOU SEND THE VEHICLE, I WILL REACH ON THE SPOT. HC VIKRANT NO.218/HISAR CAME ON THE SPOT AFTER REGISTERING THE RAPAT UNDER SECTION 42 OF NDPS ACT, ON WHICH, I, ASI SEND TO HC VIKRANT NO.218/HISAR AT HISAR IN THE GOVT. VEHICLE TO BRING THE GAZETTED Officer IS WAITING FOR GAZETTED OFFICER SH. MAHIPAL, BAO, SAHIB AND BUSY ON THE SPOT. AFTER AWAITED SOME TIME AT AROUND 7:55 PM GAZETTED OFFICER SH. MAHIPAL, BAO, SAHIB REACHED ON THE SPOT. ON WHICH I ASI TOLD THE FACTS AND NOTICE AND REPLY OF NOTICE UNDER SECTION 50 OF NDPS ACT HAS PRODUCED. GAZETTED OFFICER SH. MAHIPAL, BAO, SAHIB SEEN THE NOTICE AND REPLY OF NOTICE UNDER SECTION 50 OF NDPS ACT, GAZETTED OFFICER SH. MAHIPAL, BAO, SAHIB INTERROGATED TO VISHVISH AND CHATERPAL, I MADE OFFER TO GAZETTED OFFICER SH. MAHIPAL, BAO, OFFICE OF BAO HANSI TO CONDUCT THE SEARCH OF MYSELF AND MY TEAM. WHO CONDUCTED THE SEARCH OF MYSELF AND MY TEAM HIMSELF. DURING THE SEARCH NOTHING ILLEGAL THINGS OR NARCOTIC SUBSTANCE GOT FOUND WITH ME AND THE PERSONS OF MY TEAM AND MEMO OF OFFER SEARCH RECOVERY HAS BEEN PREPARED ON THE FARD THE ABOVE VISHVASH AND CHATERPAL AND WITNESSES PUT THEIR OWN SIGNATURE AND GAZETTED OFFICER SH. MAHIPAL, BAO, SAHIB VERIFIED THE FARD MEMO OF OFFER SEARCH RECOVERY, THEREAFTER SH. MAHIPAL, BAO, SAHIB IN PRESENCE OF HIMSELF, I ASI DIRECTED TO CONDUCT THE SEARCH OF VISHVASH AND CHATERPAL AND THE BAG PLASTIC AND MOTORCYCLE HAVING BY THEM IN THEIR POSSESSION AS PER RULE. I REQUESTED THE PERSONS PASSERBY ON THE SPOT TO JOIN THE PROCEEDINGS BUT FROM THE SPOT THEN I IASI CONDUCTED THE SEARCH OF THE PERSONS VISHWASH, CHATERPAL, MOTORCYCLE AND PLASTIC BAG. THEN FROM THE PLASTIC BAG COLOR WHITE THE NARCOTIC SUBSTANCE GANJA WAS RECOVERED. THE RECOVERED GANJA MIXED IN TIRPAL AND PUT BACK IN THE SAME PLASTIC BAG AND WEIGHED WITH THE COMPUTER KANTA THEN THE WEIGHT OF PLASTIC BAG ALONGWITH NARCOTIC SUBSTANCE GANJA FOUND 20 KG 800 GRAMS. THE PULINDA OF PLASTIC BAG GANJA HAS BEEN PREPARED. PULINDA OF BAG PLASTIC OF NARCOTIC SUBSTANCE GANJA AND SAMPLE SEAL WAS SERVE/SEAL WITH MY OWN SEAL HR/3, THEREAFTER SH. MAHIPAL BAO SAHIB HAS ALSO SERVE/SEAL THE PULINDA OF BAG PLASTIC NARCOTIC SUBSTANCE GANJA WITH HIS OWN SEAL SK/1. THE PULINDA OF PLASTIC BAG OF NARCOTIC

SUBSTANCE GANJA WITH SAMPLE SEAL AND MOTORCYCLE NO.HR21 L 1223 MARKA SPLENDOR PLUS HAVE BEEN TAKEN INTO POLICE POSSESSION FOR THE PURPOSE OF EVIDENCE THROUGH PROPERTIES SEIZURE MEMO. ON THE PROPERTIES SEIZURE THE ABOVE PERSON VISHVASH PUT HIS THUMB IMPRESSION AND PERSON CHATERPAL AFFIXED HIS LEFT THUMB IMPRESSION AND WITNESSES ALSO PUT THEIR OWN SIGNATURE. I AFTER USED THE SEAL HANDED OVER FOR KEPT SAMPLE TO ESI SANJAY KUMAR NO.364/HISAR. GAZZETED OFFICER SH. MAHIPAL BAO SAHIB VERIFIED THE PULINDA OF PLASTIC BAG OF NARCOTIC SEIZURE MEMO. HE AFTER USED THE SEAL KEPT WITH HIM. THE ACCUSED VISHVASH AND CHATERPAL HAS COMMITTED OFFENCE UNDER SECTION 20 B (II) C-61-85 OF NDPS ACT BY KEEPING THE BAG PLASTIC TOTAL WEIGHT 20KG 800 GRAMS GANJA ON MOTORCYCLE NUMBER HR21L1223 WHICH WAS IN THE POSSESSION, SO TEHRIR IS BEING SENT THROUGH EASI SANJAY KUMAR NO.364/HISAR TO THE POLICE STATION FOR REGISTRATION OF THE CASE AFTER REGISTRATION THE SAME BE INTIMATED WITH THE FIR NUMBER. THE SECOND INVESTIGATION OFFICER MAY KINDLY BE CALLED ON THE SPOT AND SPECIAL REPORT OF THE CASE BE SENT TO HIGHER OFFICER AND ILLAQUA MAGISTRATE. I, ASI ALONGWITH FELLOW EMPLOYEE AND ACCUSED VISHVASH AND CHATERPAL ALONGWITH CASE PROPERTY IS BUSY ON THE SPOT. TODAY HANSI TO LALPURA ROAD NEAR SHANI MANDIR. JURISDICTION OF AREA HANSI. SD/- HEMRAJ ASI.'

3. **Contentions**

On behalf of the petitioner

Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in the present case on basis of the disclosure statement made by co-accused. He submits that no recovery has been effected from the petitioner and he was even not present at the spot. He seeks parity with the co-accused-Prem who has already been granted bail by this Court vide order dated 02.12.2023 passed in CRM-M-43165-2023.

On behalf of the State

On the other hand, learned State Counsel appearing on advance notice, accepts notice on behalf of respondent-State and has filed the custody certificate of the petitioner, which is taken on record.

According to which, the petitioner is behind bars for 6 months.

Learned State Counsel on instructions from the Investigating Officer opposes the prayer for grant of regular bail stating that the petitioner is involved in one more FIR, meaning thereby he is a habitual offender but is not in a position to controvert the submissions made by learned counsel for the petitioner.

4. Analysis

Be that as it may, from the above discussion, it can be culled out that the petitioner has already suffered sufficient incarceration i.e. 6 months, similarly situated co-accused has already been granted concession of bail by this Court, no recovery has been made from his conscious possession and he was even not present at the spot, further, as per the principle of the criminal jurisprudence, no one should be considered guilty, till the guilt is proved beyond reasonable doubt, whereas in the instant case, challan stands presented on 09.12.2024 charges are yet to be framed, out of total 25 witnesses cited by the prosecution, none has been examined so far which is sufficient for this Court to infer that the conclusion of trial is likely to take considerable time and therefore, detaining the petitioner behind the bars for an indefinite period would solve no purpose.

Reliance can be placed upon the judgment of the Apex Court rendered in “***Dataram versus State of Uttar Pradesh and another***”, ***2018(2) R.C.R. (Criminal) 131***, wherein it has been held that the grant of bail is a general rule and putting persons in jail or in prison or in correction home is an exception. Relevant paras of the said judgment is reproduced as under:-

“2. A fundamental postulate of criminal jurisprudence is the presumption of innocence, meaning thereby that a person is believed to be innocent until found guilty. However, there are

instances in our criminal law where a reverse onus has been placed on an accused with regard to some specific offences but that is another matter and does not detract from the fundamental postulate in respect of other offences. Yet another important facet of our criminal jurisprudence is that the grant of bail is the general rule and putting a person in jail or in a prison or in a correction home (whichever expression one may wish to use) is an exception. Unfortunately, some of these basic principles appear to have been lost sight of with the result that more and more persons are being incarcerated and for longer periods. This does not do any good to our criminal jurisprudence or to our society.

3. There is no doubt that the grant or denial of bail is entirely the discretion of the judge considering a case but even so, the exercise of judicial discretion has been circumscribed by a large number of decisions rendered by this Court and by every High Court in the country. Yet, occasionally there is a necessity to introspect whether denying bail to an accused person is the right thing to do on the facts and in the circumstances of a case.

4. While so introspecting, among the factors that need to be considered is whether the accused was arrested during investigations when that person perhaps has the best opportunity to tamper with the evidence or influence witnesses. If the investigating officer does not find it necessary to arrest an accused person during investigations, a strong case should be made out for placing that person in judicial custody after a charge sheet is filed. Similarly, it is important to ascertain whether the accused was participating in the investigations to the satisfaction of the investigating officer and was not absconding or not appearing when required by the investigating officer. Surely, if an accused is not hiding from the investigating officer or is hiding due to some genuine and expressed fear of being victimised, it would be a factor that a judge would need to consider in an appropriate case. It is also necessary for the judge to consider whether the accused is a first-time offender or has been accused of other offences and if so, the nature of such offences and his or her general conduct. The poverty or the deemed indigent status of an accused is also an

extremely important factor and even Parliament has taken notice of it by incorporating an Explanation to section 436 of the Code of Criminal Procedure, 1973. An equally soft approach to incarceration has been taken by Parliament by inserting section 436A in the Code of Criminal Procedure, 1973.

5. To put it shortly, a humane attitude is required to be adopted by a judge, while dealing with an application for remanding a suspect or an accused person to police custody or judicial custody. There are several reasons for this including maintaining the dignity of an accused person, howsoever poor that person might be, the requirements of Article 21 of the Constitution and the fact that there is enormous overcrowding in prisons, leading to social and other problems as noticed by this Court in In Re-Inhuman Conditions in 1382 Prisons, 2017(4) RCR (Criminal) 416: 2017(5) Recent Apex Judgments (R.A.J.) 408 : (2017) 10 SCC 658

6. The historical background of the provision for bail has been elaborately and lucidly explained in a recent decision delivered in Nimesh Tara chand Shah v. Union of India, 2017 (13) SCALE 609 going back to the days of the Magna Carta. In that decision, reference was made to Gurbaksh Singh Sibbia v. State of Punjab, (1980) 2 SCC 565 in which it is observed that it was held way back in Nagendra v. King-Emperor, AIR 1924 Calcutta 476 that bail is not to be withheld as a punishment. Reference was also made to Emperor v. Hutchinson, AIR 1931 Allahabad 356 wherein it was observed that grant of bail is the rule and refusal is the exception. The provision for bail is therefore age-old and the liberal interpretation to the provision for bail is almost a century old, going back to colonial days.

7. However, we should not be understood to mean that bail should be granted in every case. The grant or refusal of bail is entirely within the discretion of the judge hearing the matter and though that discretion is unfettered, it must be exercised judiciously and in a humane manner and compassionately. Also, conditions for the grant of bail ought not to be so strict as to be incapable of compliance, thereby making the grant of bail illusory.”

Therefore, to elucidate further, this Court is conscious of the fundamental principle of law that right to speedy trial is a part of reasonable, fair and just procedure enshrined under Article 21 of the Constitution of India. This constitutional right cannot be denied to the accused as is the mandate of the Apex court in “Hussainara Khatoon and ors (IV) v. Home Secretary, State of Bihar, Patna”, (1980) 1 SCC 98. Besides this, reference can be drawn upon that pre-conviction period of the under-trials should be as short as possible keeping in view the nature of accusation and the severity of punishment in case of conviction and the nature of supporting evidence, reasonable apprehension of tampering with the witness or apprehension of threat to the complainant.

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 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 directed to be released on regular bail 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

20.12.2024
anuradha

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