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2025.PHHC:062989



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

**CRM-M-24796-2025
DECIDED ON: 13.05.2025**

HARVINDER SINGH

.....PETITIONER

VERSUS

STATE OF UT CHD.

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Vikram Jeet Singh, Advocate
for the petitioner.

Mr. Rahul Arora, APP. UT, Chandigarh.

SANDEEP MOUDGIL, J (ORAL)

1. Prayer

This petition has been filed under section 483 of BNSS for grant of regular bail to petitioner in case FIR No. 15 dated 01.02.2025 (Annexure P- 1), under Section 115(2), 126(2), 351(3), 190, 191(2) of BNS and (Section 109 of BNS later on) registered at Police Station East Sector-26, Chandigarh.

2. Facts

Facts as narrated in the FIR reads as under:-

“Stated that I am residing at abovementioned address with my family and I am doing private work. On 31.01.2025, I had gone to BDC Market for my personal work. The time was about 11:00 PM. I was smoking near the shop of Dr. Banwari in BDC Market. Then, Karan, Musha, Nitin and Gautam along with some other persons came

started abusing me. They surrounded me and blocked my way and started beating me. They all persons gave several blows to me. During fight, I could notice, what weapons, they were having. They all ran away after leaving me in an injured condition by inflicting me injuries and threatening me to kill. I can identify Karan, Musha, Nitin, Gautam and persons, who came with them on seeing. The legal action be taken against them. The statement has been got recorded to you, heard and the same is correct. Sd/ Vikash 62807-77315. '

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 and no overt act or injury has been attributed to the petitioner. He submits that except the fact that the petitioner was found at the spot there is no cogent material against him to connect with the alleged commissioning of offence.

On behalf of the State

On the other hand, learned State Counsel has filed the custody certificate of the petitioner, which is taken on record. According to which, the petitioner is behind bars for 3 months and 11 days.

Learned State Counsel on instructions from the Investigating Officer opposes the prayer for grant of regular bail stating that the petitioner is a habitual offender, as he is involved in another case.

4. **Analysis**

Considering the fact that no overt act or injury has been attributed to the petitioner and no incriminating material has been put forth by the State to connect the petitioner with the alleged commissioning of offence, this petition deserves to be allowed.

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. **Relief:**

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

In the afore-said terms, 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.

(SANDEEP MOUDGIL)
JUDGE

13.05.2025

Meenu

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