



219

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-36066-2025 (O&M)
DECIDED ON: 31.07.2025

KALA KHAN ALIAS RAJU

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Amit Choudhary, Advocate for the petitioner.
Mr. Rajiv Verma, Sr. DAG, Punjab.
Mr. Mohit Jasuja, Advocate for the complainant.

SANDEEP MOUDGIL, J (ORAL)**1. Prayer**

This petition has been filed under Section 483 of BNSS, 2023 grant of regular bail in FIR No. 53 dated 20.03.2024 registered under Sections 406, 420, 465, 467, 468, 471, 120-B IPC, at Police Station Sadar Khanna, District Ludhiana.

2. Contentions:**On behalf of the petitioner**

At the outset, learned counsel for the petitioner submits that the matter has been compromised between the parties on the basis of compromise deed dated 27.05.2025 (Annexure P-2), with the intervention of the respectable of the society.

On behalf of the State and complainant

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 2 months and 4 days and is not in a position to controvert the



submission made by learned counsel for the petitioner, however submits that the petitioner is a habitual offender as he is involved in other FIRs also.

Learned counsel for the complainant is also in agreement with the submissions made by counsel for the petitioner and has no objection if the petition is allowed.

3. **Analysis**

Considering the fact that the parties have amicably resolved the matter as is evidence from Annexure P-2 i.e. compromise deed dated 27.05.2025 and the investigation is completed, challan stands presented on 28.07.2025 charges are yet to be framed and 11 PWs have been cited by the prosecution which is sufficient for this Court to infer that conclusion of trial shall take considerable time, therefore, this Court is of the view that no useful purpose would be served by keeping the petitioner behind bars for uncertain period

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.



4. 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.

31.07.2025
anuradha

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*