

CRM-M-14766-2023
DECIDED ON: 28th MARCH, 2023

.....PETITIONER

STATE OF PUNJAB

.....RESPONDENT

Present: Ms. Nikita, Advocate
for the petitioner.

Mr. Mohit Chaudhary, AAG, Punjab.

Mr. Vaneet Sharma, Advocate
for the complainant.

SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court under Section 439 Cr.P.C., has been invoked for the grant of regular bail to the petitioner in case FIR No. 111, dated 19.10.2021, under Sections 306 and 34 IPC registered at Police Station D-Division, Police Commissionerate, Amritsar District Amritsar.

Learned counsel for the petitioner has contended that the main accused in the present case is Dilpreet Singh, as is evident from the alleged suicide note, who is none other than the husband of the deceased Parmajit Kaur. It is further contended that the petitioner has been roped in the present case merely on the ground that deceased Paramjit Kaur had an extra-marital affair with the petitioner. Paramjit Kaur had committed suicide by strangulating herself.

Custody certificate of the petitioner filed by learned State counsel is

taken on record. According to which the petitioner has suffered incarceration for a period of 9 months and 13 days as of now and is not involved in any other case of any nature.

Learned counsel for the complainant has vehemently argued that the petitioner has played an active role in commissioning of offence and has been rightly arrayed as an accused in the present case.

A perusal of file shows that the earlier bail application filed by the petitioner was dismissed as withdrawn by this Court.

In the instant case the petitioner has already suffered incarceration for a period of 9 months and 13 days, who is not an habitual offender and has been roped in the present case being alleged paramour of the deceased. It is also an admitted position between the parties that challan stands presented on 06.07.2022 and charges are yet to be framed which shows that the trial is moving at snails pace and is likely to take long time.

A Division Bench of this High Court in ***Rajender Singh vs. State of Haryana, 2022(2) R.C.R. (Criminal) 85*** has held that a right under Article 21 of the Constitution of India includes right to speedy trial and expeditious disposal which is also in public interest primarily showing concern with the view point:-

(a) the period of remand and pre-conviction detention should be as short as possible. In other words, the accused should not be subjected to unnecessary or unduly long incarceration prior to his conviction;

(b) the worry, anxiety, expense and disturbance to his vocation and peace, resulting from an unduly prolonged investigation, inquiry or trial should be minimal; and

(c) undue delay may well result in impairment of the ability of the accused to defend himself, whether on account of death,

disappearance or non-availability of witnesses or otherwise;

Looking at the said principle alone, the Apex Court in the case of ***Dataram Singh vs. State of Uttar Pradesh & Anr. 2018(2) R.C.R. (Criminal) 131*** has held that the *'bail is the rule and jail is an exception'*.

Considering the custody period undergone by the petitioner so far and the fact that after framing of charge the case is still at prosecution stage meaning thereby conclusion of trial shall take sufficient long time and nothing is to be recovered from the possession of the petitioner, this Court is of the considered view that no useful purpose would be served by keeping the petitioner behind the bars for an indefinite period, the petitioner is directed to be released on bail subject to his furnishing personal and surety bonds to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate concerned.

The present petition is allowed in view of afore-said terms.

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

28th MARCH, 2023
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(SANDEEP MOUDGIL)
JUDGE

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