

CRM-M-17720-2023

2023:PHHC:081640

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-17720-2023

Date of decision : 06.06.2023

LALDEEN

.....Petitioner

VERSUS

STATE OF PUNJAB

....Respondent

CORAM:- HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Ms. G.K. Mann, Senior Advocate with
Ms. Komal Balain, Advocate, for the petitioner.

Mr. Rajiv Verma, DAG, Punjab.

SANDEEP MOUDGIL, J. (ORAL)

1. The jurisdiction of this Court under Section 439 Cr.P.C., has been invoked for the grant of regular bail to the petitioner in FIR No.0023, dated 10.04.2022, under Sections 302, 452, 323, 324, 325, 379-B, 148, 149 of IPC, registered at Police Station Mattewal, District Amritsar Rural.

2. Learned senior counsel for the petitioner has contended that the petitioner has been falsely implicated in the present case and his name is not mentioned in the FIR. The role attributed to the petitioner is that he was armed with *daatar*, but he has not caused any injury to the deceased as there are only four injuries found on the person of deceased which are attributed to co-accused Juma. She further asserts that apart from the complainant, two other persons were injured in the said incident, who appeared before the trial Court and turned hostile.

3. Learned Senior counsel appearing for the petitioner has placed

reliance upon the orders dated 20.03.2023 & 10.04.2023 passed in CRM-M-50767-2022 and CRM-M-15319-2023 respectively, whereby co-accused persons namely Hazoor Ali and Murad Ali @ Muradu, have been granted the concession of regular bail by the co-ordinate Bench of this Court. She, therefore, submits that the present petitioner also deserves for the same benefit.

4. Learned State counsel, on the other hand, has opposed the prayer as made in the present petition stating that the petitioner was a member of unlawful assembly and played an active role in the incident. He, however, could not controvert the assertions as have been made by the learned senior counsel for the petitioner.

5. Considering the role attributed to the petitioner and the fact that he is in custody since 11.04.2022 as also the facts that the material prosecution witness have turned hostile and two co-accused of the petitioner, namely Hazoor Ali and Murad Ali @ Muradu, have been granted the concession of regular bail by this Court, this Court is of the view that no useful purpose would be served by keeping the petitioner behind the bars for an indefinite period, wherein bail is a rule and jail is an exception and it would also violate the principle of right to speedy trial and expeditious disposal under Article 21 of Constitution of India, as has been time and again discussed by this Court, while realising the judgment of the Apex Court passed in ***Dataram Singh vs. State of Uttar Pradesh & Anr. 2018(2) R.C.R. (Criminal) 131.***

6. In view of above, the petitioner is directed to be released on regular bail on his furnishing personal and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

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7. The present petition stands allowed in the afore-said terms.
8. 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

06.06.2023
Harish

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No