

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

214-CRM-M-27710-2023

Date of Decision: 02.06.2023

LOVEPREET SINGH @ BHUPA

... Petitioner

VS.

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR.JUSTICE SANDEEP MOUDGIL

Present: Mr. Navraj Singh, Advocate for the petitioner

Sandeep Moudgil, J. (Oral)

The petitioner seeks regular bail in case FIR No.115 dated 20.10.2022 under Sections 379-B(2)/427 IPC (Sections 411/397 IPC added later on), registered at Police Station City Nakodar, District Jalandhar.

Learned counsel for the petitioner submits that the allegations against the petitioner is that he along with co-accused while riding motorcycle and by showing dattar which they carried, stopped the Activa and by showing dattar to the complainant seem to have snatched Rs.4800/- from the pocket of the complainant. The petitioner was termed as sitting as pillion rider of the vehicle. He averred that the petitioner is innocent and has not committed any offence.

Notice of motion.

On the asking of the court, Mr. Mohit Chaudhary, AAG Punjab accepts notice. Custody certificate dated 01.06.2023 has been filed, which is taken on record. According to the same, the petitioner has undergone 7 months 11 days of custody. He is not found involved in any other case.

Learned State counsel has opposed the bail on the ground that dattar has been recovered along with Activa and the currency notes from the petitioner.

Be that as it may, no injury has been inflicted on the complainant with the dattar which has been recovered and the petitioner has undergone 7 months and 11 days of custody and he has not been found involved in any other case as is clearly evident from the custody certificate, keeping the petitioner behind the bars would be against the principle of the criminal jurisprudence, as no one should be considered as guilty till the guilt is proved beyond reasonable doubt and in such circumstances, detaining the petitioner behind the bars for an indefinite period would amount to violation of Article 21 of the Constitution of India and is against the principle “Bail is a rule, jail is an exception” as elucidated in the judgement of Apex Court in “***Dataram Singh vs. State of Uttar Pradesh and another;*, (2018) 3 SCC 22**”.

In view of the above discussion and the fact that the trial is likely to take long time and particularly when no useful purpose would be served keeping the petitioner behind the bars and also that there are no criminal antecedents of the petitioner, the petitioner is directed to be released on regular bail on furnishing bail and surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned.

The present petition is, therefore, allowed.

02.06.2023

V.Vishal

1. Whether speaking/reasoned?
2. Whether reportable?

(Sandeep Moudgil)

Judge

Yes/No
Yes/No