

CRM-M-28424-2023

2023:PHHC:081620

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-28424-2023

Date of decision : 06.06.2023

SANDEEP SINGH

.....Petitioner

VERSUS

STATE OF PUNJAB

....Respondent

CORAM:- HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Armaan Gagneja, 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.082, dated 13.04.2022, under Sections 458, 427, 382, 506, 148, 149 of IPC (Section 120-B, 201 & 395 IPC added later vide GD No.39, dated 19.05.2022) and Section 25 of Arms Act, registered at Police Station City Muktsar, District Sri Muktsar Sahib.

2. Learned counsel for the petitioner has contended that the petitioner has been falsely implicated in the instant case having no role whatsoever attributed to him. Learned counsel for the petitioner has argued before this Court that the FIR was against unknown persons and by way of a supplementary statement of the complainant dated 12.04.2022, the present FIR was got registered on 13.04.2022 against the occurrence, which took

CRM-M-28424-2023

2023:PHHC:081620

place on 12.04.2022 at about 9:44 PM, delayed by almost 12 hours.

3. Learned counsel for the petitioner has drawn attention of this Court to the fact that the alleged number of cars recovered by the Investigating Agency only belongs to co-accused of the petitioner, whereas recovery of one *kappa* has been planted upon him without having mentioning in the challan itself as it was used by the petitioner to implicate him in the instant FIR. He, therefore, prays for grant of concession of regular bail to the petitioner.

4. Learned counsel for the State did not have the custody certificate of the petitioner but submits that the petitioner is behind the bars since 22.04.2022, which is more than one year by now for offences under Sections 458, 427, 382, 506, 148, 149, 120-B, 201 & 395 of IPC. He prays for dismissal of the present petition.

5. It is an admitted position that investigation in this case is complete and challan stands presented before the trial Court, where the case is now fixed for recording the evidence of prosecution witnesses after framing of the charges and therefore, trial will take considerable time to conclude.

6. In the light of the above, this Court is of the view that no useful purpose would be served 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.***

CRM-M-28424-2023

2023:PHHC:081620

(Criminal) 131.

7. 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.
8. The present petition stands allowed in the afore-said terms.
9. 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

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