

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-2042-2023 (O&M)
DECIDED ON: 04.04.2024

SUKHCHAIN SINGH

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Sonpreet Singh Brar, Advocate
for the petitioner.

Mr. B.S. Virk, Sr. DAG, Haryana.

Mr. R.S. Mamli, Advocate
for the complainant.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court has been invoked under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No.420, dated 04.11.2019, under Sections 147, 148, 149, 323, 325 and 302 IPC, 1860, registered at Police Station Sadar Fatehabad, District Fatehabad.
2. Learned counsel for the petitioner contends that it is a case of cross-version where subsequently on behalf of the petitioner a DDR bearing No.39, dated 05.11.2019 was got entered by police officials with much efforts and later to the registration of instant FIR on 04.11.2019.
3. On the other hand, learned State counsel has produced the custody certificate of the petitioner today in Court, which is taken on record. He seeks dismissal of the instant petition asserting that all the accused persons involved in the instant FIR have collectively giving the beatings but could not establish even at this stage as to what is the specific role attributed

to the petitioner as well as any specific injury caused by him. It is though not disputed that at the behest of other party DDR No.39 was also got registered on 05.11.2019 and admittedly both the sides have suffered injuries and on that account, a cross-case against each other between the two groups of the same village.

4. Mr. B.S. Mamli, learned counsel for the complainant has vehemently opposed the concession of regular bail referring to the Medico Legal Report pointing out injury No.1 and injury No.2 caused with back side of *gandasi*.

5. Custody certificate would further depict that Harpreet Singh son of Sukhchain Singh has suffered incarceration for a period of 04 years, 03 months and 01 day so far, who is not involved in any other case, meaning thereby he is not a habitual offender.

6. As far as trial proceedings are concerned, after framing of charges on 30.11.2021, out of total 32 prosecution witnesses, only one witness has been examined till date, which is suffice enough for this Court to infer that the conclusion of trial will take a long time, for which the petitioner cannot be detained in custody as it would not serve any purpose whatsoever.

7. In the light of aforesaid discussion and having gone through the record with the assistance of learned counsel for the petitioner, this Court is obvious of the fact that the petitioner cannot be detained behind the bars for an indefinite period, which would tantamount to violation of principle of criminal jurisprudence i.e. "*bail is a rule and jail is an exception*", as has been held by Division Bench of this Court in ***Rajinder Singh versus State of***

Haryana; 2022(2) RCR (Criminal) 85 as well as by the Apex Court in *“Dataram Singh vs. State of Uttar Pradesh & Anr.”, 2018(2) R.C.R. (Criminal) 131* apart from the fact that Article 21 of the Constitution of India also includes right of speedy trial and expeditious disposal of the same.

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

9. In the afore-said terms, the present petition is hereby allowed.

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

04.04.2024
Poonam Negi

(SANDEEP MOUDGIL)
JUDGE

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