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2024:PHHC:028777

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-5789-2024
DECIDED ON:29.02.2024

KIRPAL SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Shivender, Advocate for
Mr. Brijeshwar Singh Bhalla, Advocate
for the petitioner.

Mr. Jasjit Singh Rattu, 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 case FIR No. 12, dated 24.02.2016, under Sections 379B, 379 and 411 of IPC, 1860, registered at Police Station Kathunangal, District Amritsar.
2. Learned counsel for the petitioner submits that the petitioner has suffered incarceration of 11 months and 26 days and is not involved in the other case.
3. On the other hand learned State counsel has produced the custody certificate of the petitioner, which is taken on record. He could not controvert the submissions made by learned counsel for the petitioner stating that the petitioner is a first time offender and not involved in any other case.

4. Heard, learned counsel for the respective parties.
5. Considering the custody period suffered by the petitioner i.e., 11 months and 26 days and admittedly he is not involved in any other case, as is evident from the custody certificate added with the fact that all the prosecution witnesses have been examined and now the case is pending for defence evidence, no fruitful purpose would be served by detaining the petitioner behind 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 relying upon 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 the above discussions made hereinabove, 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.
7. The present petition is, hereby, allowed.
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.

29.02.2024

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(SANDEEP MOUDGIL)
JUDGE

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