



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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**CRM-M No.6312 of 2024
Date of decision : 28.5.2024**

Gurpreet Singh alias Bhatti**.....Petitioner****Versus****State of Punjab****.....Respondent****CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. G.S. Gill, Advocate, for the petitioner

Mr. J.S. Rattu, DAG, Punjab

SANDEEP MOUDGIL, J (ORAL)

This petition under section 439 Cr.P.C. has been filed for grant of regular bail to the petitioner in case FIR No.60 dated 26.05.2021 under Sections 302, 341, 323, 427, 148 and 149 of IPC, registered at Police Station Bhadson, District Patiala, Punjab (Annexure P-1).

2. Learned counsel for the petitioner contends that the petitioner has not been attributed any injury as per the narration of the FIR as well on the perusal of the challan filed by the prosecution in the Court. He asserts that all the injuries have been attributed to the co-accused person namely Jassi who gave stick blow on the legs of the deceased-husband of the complainant and once he fell down, co-accused Ladi Singh gave stick blow on the head and Balwinder Singh @ Billu gave stick blow on the abdomen of the complainant.

3. Learned State counsel has filed the custody certificate of the petitioner, which is taken on record. According to which, the petitioner is behind bars for the last 3 years who is not involved in any other case. He has opposed the prayer made in the present petition but the afore-said narration of the facts has not been controverted by him.

4. Having gone through the contents of the FIR as well as the

statements made by learned counsel for the petitioner and the learned State Counsel, the custody period undergone by the petitioner who is not involved in any other case, meaning thereby he is not a habitual offender, added with the fact that he has not given any injury as is evident from the record available before this Court and as per the principle of the criminal jurisprudence, no one should be considered as guilty till the guilt is proved beyond reasonable doubt, whereas in the instant case, trial is prolonged and likely to take long time in the light of the fact that out of 24 prosecution witnesses, only 7 have been examined and charges have been framed on 17.03.2024 and 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 judgment of Apex Court in **“Dataram Singh vs. State of Uttar Pradesh and another, (2018) 3 SCC 22”**.

5. In view of the aforesaid 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.
6. However, it is made clear that anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case.
7. The petition stands allowed

(SANDEEP MOUDGIL)

JUDGE

28.5.2024

Ashwani

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