

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-6062-2024
DECIDED ON: 09.02.2024

JAGTAR SINGH @ JAGTAR RAM
.....PETITIONER

VERSUS

STATE OF PUNJAB
.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Abhinav Singla , Advocate
for the petitioner.

Mr. Sanish Girdhar, AAG Punjab.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court has been invoked under Section 439 Cr.P.C., seeking regular bail to the petitioner in FIR No.161, dated 12.06.2023, under Sections 304 and 34 of IPC, 1860, registered at Police Station Tanda, District Hoshiarpur.
2. Learned counsel for the petitioner contends that the petitioner has been nominated as an accused in the instant FIR merely on account of the fact that the deceased came to the house of present petitioner a night prior to the morning on which he was found dead. He further asserts on the fact that the deceased was found lying dead in his own house and not in the house of the petitioner and, therefore, merely on the basis of circumstances, the petitioner has been arrayed in the instant FIR, though there is no other incriminating material available against him.
3. Learned State counsel has filed the custody certificate of the petitioner, which is taken on record. He submits that the petitioner has been discharged in another FIR No.160 dated 11.06.2023, under Sections 22, 29 of NDPS Act,

registered at Police Station Tanda, District Hoshiarpur. He prays for dismissal of the present petition on the ground that the complainant is uncle (Chacha) of deceased, who submitted that it is the petitioner, who made the deceased to consume overdose at his place one night prior when they were together.

4. Heard, learned counsel for the respective parties.
5. Be that as it may, considering the fact that the case is of circumstantial evidence, prima facie at this stage, it would not be justifiable to keep the petitioner behind the bars for an indefinite period, who is 75 years of age and looking at the allegations i.e., only that the deceased was at the house of the petitioner a day prior to the death, which admittedly took place at the house of deceased alone added with the fact conclusion of trial shall take sufficient time, as charges are yet to be framed, no fruitful purpose would be served by keeping the petitioner behind bar for an indefinite period, which would amount to infringement of his right to life and liberty, as enshrined under Article 21 of Constitution of India and is against the principle “bail is rule and jail is an exception”.
6. In light 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.

09.02.2024

Meenu

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned

Whether reportable

Yes/No

Yes/No