

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-8220-2024
DECIDED ON: 21.02.2024

KARANVIR SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Kehar Singh Hissowal, Advocate
for the petitioner.

Mr. Jasjit Singh Rattu, DAG, Punjab.

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.228, dated 29.08.2020 (Annexure P-1), under Section 346 IPC (Sections 365, 302, 201, 120-B IPC added later on vide DDR No.44, dated 01.09.2020), registered at Police Station Sardulgarh, District Mansa.

2. Learned counsel for the petitioner contends that the petitioner has been arrayed as an accused in the instant FIR only on the basis of disclosure statement of Amisha, who happens to be the wife of the present petitioner. He further submits that the disclosure statement given by the wife of the petitioner is biased having no iota of truth in it and no incriminating material in support of that statement has been made available with the Investigating Agency and still the police has went ahead to nominate the present petitioner as an accused at the time of filing of challan. It is further

Submitted that petitioner is having strained relations with his wife, who has

given the statement to the police qua alleging active role of the petitioner in the commissioning of the offence though he drew attention of this Court to an affidavit dated 04.06.2021 (exhibited by Amisha, wife of the petitioner) to the effect that she has been wrongly shown as witness in the instant FIR whereas she was not present at the spot and the same has been shown to her by the police authorities as narrated in the FIR.

3. Learned State counsel has produced the custody certificate of the petitioner today in Court, which is taken on record. He prays for dismissal of the instant petition stating that the petitioner is involved in another case i.e. FIR No.182, dated 05.09.2020, meaning thereby he is a habitual offender.

4. Be that as it may, considering the custody period i.e. 3 years, 05 months and 18 days, for which the petitioner has already suffered incarceration behind the bars and the fact with regard to the petitioner's involvement in another case is concerned, he was convicted and his sentence stands complete as undergone on 12.12.2023 and the affidavit given by wife of the petitioner stating that he is having strained relations with her and were living separately since 5 years i.e. prior to the commissioning of the offence and she was not witness to the said crime and her statement cannot be believed added with the fact that challan has been filed meaning thereby investigation is complete, charges have been framed on 24.03.2021 and out of total 23 prosecution witnesses, only 17 witnesses have been examined so far, meaning thereby the trial is moving at snail's pace.

5. This Court is sanguine of the fact that according to the proposition settled by the Apex Court in ***Dataram Singh vs. State of Uttar Pradesh & Anr. 2018(2) R.C.R. (Criminal) 131***, that keeping somebody

behind the bars, till his guilt is proved, for an indefinite period amounts 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 a rule*” and “*jail is an exception*”.

6. In the light of above, the petitioner is directed to be released on regular bail on her furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.
7. In the afore-said terms, 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.

21.02.2024
Poonam Negi

(SANDEEP MOUDGIL)
JUDGE

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