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2024:PHHC:028765

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-9689-2024
DECIDED ON:29.02.2024

SH. GURSANGAT SINGH @ KALU
.....PETITIONER
VERSUS
STATE OF PUNJAB
.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Saksham Dudeja, Advocate
for the petitioner.

Mr. Jasjit Singh Rattu, DAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court has been invoked for the 2nd time under Section 439 Cr.P.C., seeking regular bail to the petitioner in FIR No.41, dated 03.04.2020, under Sections 302, 460, 411 and 34 of IPC, 1860, registered at Police Station Sadar Ludhiana, District Ludhiana (Annexure P-1).
2. This is the 2nd petition for regular bail, as the earlier petition CRM-M-1938-2022 was dismissed as withdrawn vide order dated 14.02.2022. He has placed reliance upon an order dated 05.02.2024 (Annexure P-5) passed in CRM-M-56952-2023, whereby co-accused Amandeep Singh @ Aman has been granted the concession of regular bail by this Court and claims parity.
3. Learned State counsel has filed the custody certificate of the petitioner, which is taken on record. According to the custody certificate, the petitioner is behind the bars for the last 3 years, 10 months and 23 days.

4. Perusal of the custody certificate shows that the petitioner is not involved in any other case, which is sufficient for this Court to infer that he is not an habitual offender and he has faced incarceration of 3 years, 10 months and 23 days, wherein conclusion of trial shall take sufficient time, as after framing of charges on 09.03.2021 out of total 15 prosecution witnesses, 8 have been examined, no useful purpose would be served by keeping him behind the 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.***

5. 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.

6. The present petition is, hereby, allowed.

7. 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

Sham

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

(SANDEEP MOUDGIL)
JUDGE