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

**CRM-M-10270-2024
DATE OF DECISION: 21.05.2024**

**LAKHVIR SINGH ALIAS SATNAM SINGH ALIAS SATTU
...PETITIONER**

Versus

STATE OF PUNJAB ... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

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

Mr. J.S. Rattu, DAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

1. This petition under section 439 Cr.P.C. has been filed for grant of regular bail to the petitioner in case FIR No.0060 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 as 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 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.



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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 2 years, 11 months and 20 days who is not involved in any other case. He on instructions from ASI Parwinder Singh has opposed the prayer made in the present petition but the aforesaid 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 judgement 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



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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

21.05.2024
anuradha

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>