



CRM-M-10523-2024
DECIDED ON:06.05.2024

.....PETITIONER

.....RESPONDENT

Mr. Jasjit Singh Rattu, DAG, Punjab.

3. Custody certificate of the petitioner filed by learned State counsel is taken on record, to demonstrate that he has suffered incarceration for a period of 2 years 1 month and 24 days, as of now and is not involved in any other case of any nature whatsoever.

4. Looking into the totality of the facts and circumstances and added with fact that prosecution evidence is complete and defence evidence is going on, meaning thereby the trial is at the fag end and the petitioner is person of clean antecedents, as is evident from the custody certificate, therefore, no useful purpose would be served by keeping the petitioner behind the bars for uncertain period.

5. This Court is sanguine of the fact that according to the proposition settled by the Apex Court 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 also against the principle of criminal jurisprudence i.e. *“bail is a rule and jail is an exception”*.

6. 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/Chief Judicial Magistrate/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.

(SANDEEP MOUDGIL)
JUDGE

06.05.2024
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<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>