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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-10604-2024 (O&M)
Date of decision: 13.03.2024

Gurmeet Singh
... Petitioner
Vs.
State of Punjab
... Respondent

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Amrik Singh, Advocate for the petitioner.
Mr. J.S. Rattu, DAG, Punjab.

SANDEEP MOUDGIL, J. (ORAL)

CRM-11065-2024

Prayer in the present application is for placing on record true translation of FIR and to replace the earlier Annexure P-1 (FIR).

Application is allowed, as prayed for.

True translated copy of FIR is taken on record, subject to all just exceptions. The same be replaced with Annexure P-1 (FIR) earlier filed with the main petition.

CRM-M-10604-2024

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.16 dated 15.02.2021 under Sections 302, 307, 323, 324, 341, 506, 148, 149 IPC, registered at Police

Station Sadar Rajpura, District Patiala.

2. Learned counsel for the petitioner contends that the petitioner has attributed a danda blow on the person of the deceased, as has been alleged in the FIR, wherein investigation is complete despite the fact that after having conducted the medical examination, nothing has come forth, as to on which part of the body, the blow was given. He further asserts on the strength of story of the prosecution that fatal blow was given by two other accused persons namely Harpreet Singh and Harinder Singh on the head of the deceased with kirpan and gandasa respectively. He also asserts that similarly situated co-accused namely Jagdish Singh has been granted the concession of regular bail by this Court vide order dated 02.02.2024 passed in CRM-M-64872-2023.

3. On the other hand, learned State counsel has produced the custody certificate today in the Court, according to which, the petitioner has suffered incarceration for a period of 03 years and 20 days and is not involved in any other case, meaning thereby he is a man of clean antecedents. He submits that the petitioner was accompanying the group of seven persons and out of which, challan has been presented against four persons and three other persons were found innocent. He further submits that against the petitioner, there is specific allegation qua giving the lathi blow on the person of the deceased, which could not highlight any specific injury on that aspect, which could have been termed grievous in nature or even dangerous to life.

4. Be that as it may, considering the custody period, which is 03 years and 20 days, added with the fact that the petitioner is not involved in any other

case, meaning thereby he is a man of clean antecedents and also the fact that trial will take certainly long time, as it evident from the stage of trial i.e. after framing of charges on 09.02.2022, out of total 26 prosecution witnesses, only one witness has been examined, 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 the Constitution of India and is against the principle "*bail is a rule and jail is an exception*", as has been held by Division Bench of this Court in **Rajinder Singh Vs. State of Haryana, 2022(2) RCR (Criminal) 85.**

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/Duty Magistrate, concerned.

7. In the aforesaid 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

13.03.2024
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No