

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

225 CRM-M-11921-2024  
DATE OF DECISION: 16.04.2024

PARDEEP @ TITA                      ...PETITIONER

**Versus**

STATE OF HARYANA                      ... RESPONDENT

**CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present:     Mr. DPS Joura, Advocate for the petitioner(s).  
                 Mr. G.S.Dhillon, AAG, Haryana.

\*\*\*

**SANDEEP MOUDGIL, J (ORAL)**

The jurisdiction of this Court under Section 439 Cr.P.C., has been invoked for the grant of regular bail to the petitioner in FIR No. 293, dated 09.09.2023, under Sections 285/34/387/506 of IPC, 1860 and Section 25 of Arms Act, 1959 (Section 307/216 and 120-B IPC added later on) registered at Police Station Uklana, District Hisar.

2.            Learned counsel for the petitioner contends that no role has been attributed to the petitioner and it was main accused Pawan who allegedly used pistol and fired gun shot. It is a case of no injury. Despite these facts, Section 307 IPC has been added in the instant FIR.

3.            Notice of motion.

4.            On asking of the Court, learned State Counsel accepts notice on behalf of the respondent and has produced custody certificate of the applicant/appellant, the same is taken on record. He on the basis of pairvi report received candidly submits that no injury has been caused by the accused persons. As per the custody certificate, the petitioner is behind bars for last 7 months and is not involved in any other case.

5. Having heard learned counsel for the respective parties, this Court is of the considered view that no specific role has been attributed to the petitioner as is evident from the perusal of the FIR and as per the submission made by learned counsel for the petitioner. The petitioner has clean antecedents and he is behind the bars for 7 months, challan has been presented on 01.12.2023.

6. 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 20 prosecution witnesses, none has been examined 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".

7. 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.

8. Petition stands allowed.

9. 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

16.04.2024

anuradha

Whether speaking/reasoned Yes/No

Whether reportable Yes/No