

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-13404-2024
DECIDED ON: 20.03.2024

SATWINDER PAL @ GARRY

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Gourav Goel, Advocate
for the petitioner.

Mr. Jasjit Singh Rattu, DAG Punjab.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court has been invoked under Section 439 Cr.P.C., seeking regular bail to the petitioner in FIR No.96, dated 29.10.2023, under Sections 379-B and 34 of IPC, 1860, registered at Police Station Daresi, District Ludhiana.
2. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case on the basis of a secret information. He further submits that petitioner is a person of clean antecedents, as he is not involved in any other case of any nature whatsoever.
3. He has placed reliance upon an order dated 16.02.2024 (Annexure P-3) passed by this Court in CRM-M-7575-2024, wherein co-accused namely Tushar @ Tashu has already been granted the concession of regular bail and claims parity.
4. Learned State counsel has filed the custody certificate of the petitioner, which is taken on record. He does not controvert the fact that co-accused has already been granted the concession of bail by this Court.

5. Be that as it may, considering the fact that co-accused of the petitioner has already been granted the bail by this Court and the petitioner is not involved in any other case of any nature, as is evident from the custody certificate, meaning thereby he is a person of clean antecedents added with the fact that conclusion of trial shall take sufficient time, as after framing of charges on 15.01.2024, no prosecution witness has been examined out of total 10, no useful purpose would be served by keeping the petitioner behind bars, which would amount to infringement of his right to life and liberty, as enshrined under Article 21 of Constitution of India and is against the principle “*bail is a rule and jail is an exception*”, 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*.

6. 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.

7. 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.

20.03.2024

Meenu

(SANDEEP MOUDGIL)
JUDGE

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