



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

**CRM-M-14027-2024
DECIDED ON: 14.06.2024**

RAHUL PAL

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Ms. Malvika Singh, Advocate
for the petitioner.

Mr. Gaurav Bansal, DAG, Haryana.

SANDEEP MOUDGIL, J (ORAL)

1. 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.209, dated 17.08.2023, under Sections 379-B, 34 of IPC (both deleted later on) and Sections 392, 397, 201, 285 and 120-B IPC (added later on) and Section 25 of Arms Act, 1959, registered at Police Station BPTP, District Faridabad.

2. Learned counsel for the petitioner contends that the petitioner was not initially named in the FIR but was subsequently roped in the instant FIR only on the basis of disclosure statement of co-accused. She further contends that the co-accused of the petitioner, namely Ajay Kumar has been granted the concession of regular bail by Coordinate Bench of this Court vide order dated 04.06.2024, passed in CRM-M-28346-2024. It has been submitted on behalf of the petitioner that the petitioner is ready and willing to join the investigation and cooperate with the Investigating Officer.

3. On the other hand, learned State counsel has produced the custody certificate of the petitioner along with reply by way of an affidavit of Aman Yadav, HPS, Assistant Commissioner of Police, Crime District Faridabad, which is taken on record. He seeks dismissal of the instant petition urging that the petitioner has fired in the air from a country-made pistol to highlight the distinction from the co-accused Ajay Kumar.

4. Be that as it may, considering the custody period i.e. 09 months and 23 days for which the petitioner has suffered incarceration and undertaking given by learned counsel for the petitioner today in Court and the fact that the petitioner was roped in the instant FIR only on the basis of disclosure statement of co-accused added with the fact that co-accused of the petitioner, namely Ajay Kumar has been granted the concession of regular bail by Coordinate Bench of this Court vide order dated 04.06.2024 passed in CRM-M-28346-2024.

5. In the light of above facts, this Court is sanguine of the fact that according to the proposition settled by the Apex Court in ***Dataram Singh vs. State of Uttar Pradesh & Anr. 2018(2) R.C.R. (Criminal) 131***, 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 against the principle “*bail is a rule*” and “*jail is an exception*”.

6. Therefore, 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 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.

14.06.2024
Poonam Negi

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No