

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

217 CRM-M-16917-2024
DATE OF DECISION:15.04.2024

RAVINDER ALIAS ANKHE

...PETITIONER

Versus

STATE OF U.T. CHANDIGARH

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Ms. R.K. Suhag, Advocate for the petitioner(s).
Mr. Manish Bansal, PP, UT Chandigarh.

SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court has been invoked under Section 439 Cr.P.C. for grant of regular bail in case of FIR No. 113, dated 30.06.2019, under Sections 370 IPC, P.S. Mauli Jagran, UT Chandigarh.

2. Learned counsel for the petitioner contends that the co-accused Kamlesh @ Nisha has already been granted bail by this Court vide order dated 14.02.2024 passed in CRM-M-43977-2023. In addition to that, she argues that the petitioner is behind the bars for almost one year whereas the main witnesses have already been examined and no purpose would be served by keeping the petitioner behind the bars.

3. Learned State counsel has produced the custody certificate and the same is taken on record. According to the custody certificate, the petitioner is behind the bars for 11 months and 28 days. He further points that the petitioner was involved in one more DDR No. 39 dated 22.07.2012 under Sections 107/151 Cr.P.C. registered at P.S. Sector-26, Chandigarh but was released on bail on 25.07.2012 vide orders of SDM.

4. Apart from the involvement of the petitioner in the DDR,

no other incriminating material has been pointed out at this stage by learned State Counsel.

5. Be that as it may, keeping in view the facts that the petitioner is behind the bars for almost one year, interrogation is complete, therefore, no useful purpose would be served by keeping the petitioner behind the bars for indefinite period, the material prosecution witnesses have already been examined including the complainant and the eye-witnesss-Arpna. Further, that co-accused Kamlesh @ Nisha has already been granted bail by this Court and the arguments addressed by learned counsel for the petitioner which seems to have force atleast for consideration of grant of regular bail.

6. 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 against the principle "bail is a rule and jail is an exception".

7. In view of the aforesaid discussions made hereinabove, the petitioner is directed to be released on regular bail on her furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

8. In the afore-said terms, the present petition is hereby 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

15.04.2024

anuradha

Whether speaking/reasoned Yes/No

Whether reportable Yes/No