



CRM-M-17090-2024

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

**288 CRM-M-17090-2024  
DATE OF DECISION: 06.05.2024**

**DINESH**

**...PETITIONER**

**Versus**

**STATE OF HARYANA**

**... RESPONDENT**

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

Present: Mr. Hukam Singh, Advocate for the petitioner(s).

Mr. Chetan Sharma, DAG, Haryana.

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**SANDEEP MOUDGIL, J (ORAL)**

1. 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. 63, dated 28.02.2024, under Sections 323/506/34 of IPC (Later on added Section 379-A/201 IPC, 1860 and Section 25 (1-B) of Arms Act, registered at Police Station Civil Lines, Jind, District Jind.

2. Learned counsel for the petitioner contends that initially the FIR was registered under Sections 323/506/34 of IPC but later on Section 379-A/201 IPC, 1860 and Section 25 (1-B) of Arms Act were added. There is no iota of any narration in the FIR qua theft as alleged subsequently which necessitated addition of Section 379-A/201 IPC and Section 25 (1-B) of Arms Act. He vehemently contends that prosecution has subsequently made addition to reflect the commission of the

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offence with more gravity. He further submits that the petitioner is in custody since 01.03.2024.

3. Learned State Counsel could not controvert the fact that enquiry is complete and custodial interrogation of the petitioner is not required wherein trial will take long time to conclude as 12 prosecution witnesses are to be examined and charges have not been framed, meaning thereby it will take definitely time.

5. Having heard learned counsel for the respective parties, this Court is of the considered view that the petitioner has been custody since 01.03.2024 and 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 12 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”*.

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.



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7.                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

06.05.2024  
anuradha

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