



220

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

**CRM-M-18328-2024  
DATE OF DECISION: 09.07.2024**

**GURMEET SINGH ALIAS HARJIT SINGH  
...PETITIONER**  
**Versus**

**STATE OF PUNJAB                      ... RESPONDENT**

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

Present: Mr.Amandeep Saini, Advocate for the petitioner(s).  
Mr. J.S. Rattu, DAG, Punjab.

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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. 31, dated 02.05.2023, under Sections 392/34/506 IPC, registered at Police Station Kiratpur Sahib, District Rupnagar.
2. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in this case and was not named in the instant FIR. He was not even present at the place of alleged occurrence and nominated only due to the involvement of his motorcycle. He further points out that there is delay of 2 days filing the instant FIR. The petitioner has been in custody since 02.05.2023.
3. Learned State counsel has filed the custody certificate of the petitioner, which is taken on record. According to which, the petitioner is behind bars for last 1 year, 2 months and 5 days and is not involved in any other case.
4. Having heard learned counsel for the respective parties, this Court is of the considered view that since the petitioner has already



CRM-M-18328-2024

-2-

suffered sufficient period in custody and is not a habitual offender as he is not involved in any other case; 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, charges were framed on 18.07.2023 and trial is prolonged and likely to take long time in the light of the fact that out of 9 prosecution witnesses, only 6 have been examined till date 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***".

5. 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.

6. However, it is made clear that anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case.

7. Petition is allowed in above terms.

(SANDEEP MOUDGIL)  
JUDGE

09.07.2024  
anuradha

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |