

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-19347-2023
DECIDED ON: 14.02.2024

GURJANT SINGHPETITIONER

VERSUS

STATE OF PUNJABRESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. V.P. Singh, Advocate for the petitioner.

Mr. S.S. Gill, Sr. DAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court has been invoked for the second time under Section 439 Cr.P.C., for grant of regular bail to the petitioner in FIR No.45, dated 13.05.2020, registered under Sections 307, 324, 506, 34 and 120-B IPC, registered at Police Station Jhander, District Amritsar.
2. Learned counsel for the petitioner contends that it is a case of cross-version wherein the petitioner has also stated to have suffered injuries in the scuffle alleged to have taken place on 12.05.2020 at around 8:00 p.m. It is also the case of the petitioner while praying for regular bail that material witnesses have been examined and he is behind the bars for a reasonable long period of more than three years by now.
3. Learned State counsel has produced the custody certificate of the petitioner today in Court, which is taken on record. He vehemently contends that the injury attributed to the petitioner is with kirch/knife on the stomach of Harkaranbir Singh @ Raja.
4. Be that as it may, apart from the custody period i.e. 03 years, 04 months and 06 days, for which the petitioner has already suffered

incarceration behind the bars, the medical record reveals that the victim namely Gurdial Singh suffered six injuries in total, out of which four has been declared simple in nature whereas the injury inflicted upon the person of Harkaranbir Singh @ Raja is on the chest with the iron rod. It is also the fact to be considered by this Court that the parties to the present scuffle are close relatives within one family i.e. paternal uncles/cousin brothers and the charges in the instant petition were framed and out of total 28 prosecution witnesses, only 09 witnesses have been examined till date, which is sufficient enough to infer that the conclusion of trial will take a long time.

5. 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*".

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.

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.

(SANDEEP MOUDGIL)
JUDGE

14.02.2024

Poonam Negi

Whether speaking/reasoned

Whether reportable

Yes/No

Yes/No