

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-19564-2024
DECIDED ON:29.04.2024

GURMEET SINGH @ PUPPY

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Simranjeet Singh Sarwara, Advocate,
for the petitioner.

Mr. Jasjit Singh Rattu, DAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court under Section 439 Cr.P.C. has been invoked by the petitioner seeking regular bail in case FIR No. 93, dated 29.03.2023, under Sections 406, 420, 467, 468, 471 and 120-B IPC, registered at Police Station Zirakpur, District SAS Nagar Mohali.
2. It has been contended by learned counsel for the petitioner that he has been implicated in the present petition being relatives of the main accused Ashminder Kaur. It is further contended that as per the allegations the complainant had given huge sum of money to various persons whereas not a single penny has been entrusted to the present petitioner and the person to whom the money has been entrusted has already been granted the concession of regular bail by this Court vide order dated 07.02.2024 passed in CRM-M-40363-2023.
3. Custody certificate of the petitioner filed by learned State counsel is taken on record. He prays for dismissal of the present petition stating that the petitioner in connivance with his co-accused has duped lakhs of money of innocent people.

4. Considering the custody suffered by the petitioner i.e. 1 year and 25 days, as of now and the co-accused namely Ashminder Kaur to whom the money has been entrusted has been granted the concession of bail by this Court vide order dated 07.02.2024 (Annexure P-8) added with the facts that the petitioner is a person of clean antecedents, as is evident from the custody certificate; investigation is complete and after framing of charges on 03.02.2024, out of total 49 prosecution witnesses none has been examined so far, which is sufficient for this Court to infer that conclusion of trial shall take considerable time, this Court is of the considered view that no useful purpose would be served by keeping the petitioner behind the bars for an indefinite period, which would also 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 discussions made hereinabove, the petitioner is ordered to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

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

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

29.04.2024

Sham

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