

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-22816-2024
DECIDED ON: 13.05.2024

ASHISH ALIAS BILLU

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Kapish Singla, Advocate
for the petitioner.

Mr. Chetan Sharma, DAG, Haryana.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court has been invoked under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No.43, dated 01.02.2024 (Annexure P-1), under Sections 307, 34 and 506 IPC and Sections 25, 27 of Arms Act, 1959, registered at Police Station Civil Lines Sonipat, District Sonipat.
2. Learned counsel for the petitioner contends that the petitioner was not initially named in the FIR but was subsequently roped in the instant FIR only on the basis of disclosure statement of co-accused Deepak and Vikram. He further submits that the co-accused namely Deepak has been granted the concession of regular bail vide order dated 02.05.2024 passed in CRM-M-21005-2024. He further contends that no injury has been attributed to the present petitioner.
3. On the other hand, learned State counsel has produced the custody certificate of the petitioner today in Court, which is taken on record.

He does not controvert the above said fact that co-accused Deepak has been granted the concession of regular bail by this Court.

4. Looking into the totality of facts and circumstances and considering the custody period i.e. 03 months and 08 days, for which the petitioner has suffered incarceration added with the fact that charges have been framed on 04.05.2024 and out of total 19 prosecution witnesses, none has been examined so far, meaning thereby, the conclusion of trial will take a long time.

5. In the light of above facts, this Court is sanguine of the fact that according to the proposition settled by the Apex Court in ***Dataram Singh vs. State of Uttar Pradesh & Anr. 2018(2) R.C.R. (Criminal) 131***, 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. Therefore, 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

13.05.2024

Poonam Negi

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No