

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-23873-2024
DECIDED ON:16.05.2024

MUNISH KUMAR @ MANISH KUMAR

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Bhanu Chaudhary, Advocate for the petitioner.

Mr. Chetan Sharma, DAG, Haryana.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court under Section 439 Cr.P.C., has been invoked seeking regular bail to the petitioner in case FIR No. 65, dated 16.02.2024 Under Sections 379-A and 34 IPC, registered at Police Station Mandi Dabwali, Tehsil Dabwali, District Sirsa.
2. It has been contended by learned counsel for the petitioner that the allegation against the petitioner is with regard to the snatching of ear rings weighing around 1 ½ tola which has already been recovered from the petitioner along with the motor cycle used in commissioning of offence. He further contends that during the trial, parties have entered into compromise.
3. Custody certificate of the petitioner furnished by the State counsel is taken on record, who does not controvert the aforesaid fact.

4. Be that as it may, keeping in view the fact that there is every chance of acquittal, as the parties have entered into compromise added with the fact that the petitioner has suffered incarceration for a period of 2 months and 20 days and a person of clean antecedents, this Court is of the view that no useful purpose would be served by keeping the petitioner behind the bars for an indefinite period which would also tantamount to 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*” as has been enunciated by the Apex Court in ***Dataram Singh vs. State of Uttar Pradesh & Anr. 2018(2) R.C.R. (Criminal) 131.***

5. In the light of above, the petitioner is directed to be released on regular bail on his furnishing personal/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

16.05.2024
Sham

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No