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

**CRM-M-24293-2024
DATE OF DECISION: 20.05.2024**

**JAGDISH SINGH @ JAGJIT SINGH @ JAGGA
...PETITIONER**

**Versus
STATE OF PUNJAB ... RESPONDENT**

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL
Present: None for the petitioner(s).
Mr. J.S. Rattu, DAG, Punjab.

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. 113, dated 07.07.2023, under Sections 364/34 of IPC, registered at Police Station Patti, District Tarn Taran.
2. As per allegations in the FIR, two young men with their muffled faces came on one motorcycle and snatched the grandson aged about 8 months from the wife of the complainant and the instant FIR was lodged against some known persons. He further submits that investigation is complete and charges have been framed on 08.12.2023. The petitioner has been in custody since 08.07.2023 and is not involved in any other case.
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 the last 10 months and 5 days.
4. In view of facts and circumstances of the case, this Court is of the considered view that since the petitioner is behind the bars for last 10 months and 5 days, charges have been framed on 08.12.2023 and as



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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, trial is prolonged and likely to take long time in the light of the fact that out of 13 prosecution witnesses, none has been examined 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 disposed of.

(SANDEEP MOUDGIL)
JUDGE

20.05.2024
anuradha

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