



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

**CRM-M-24873-2024
DECIDED ON:29.05.2024**

RAJENDER @ SINGH SAHAB

.....PETITIONERS

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Nafeesh Ahmed, 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 2nd time for the grant of regular bail to the petitioner in case FIR No. 93, dated 23.03.2022, under Sections 148, 149, 302, 307, 427, 452, 506, 120-B IPC and Sections 25, 4 and 59 of Arms Act (Section 212 added later on), registered at Police Station Sadar Palwal, District Palwal.

2. It has been contended on behalf of the petitioner that he has not been named in the FIR and it is a case where no injury whatsoever has been attributed to the petitioner. The allegation against the petitioner is that he provided shelter to the accused persons at the asking of main conspirator Neeraj and after commissioning of crime has transported the assailants in his car bearing registered No.HR-50-C-9294 and except that there is no other incriminating material against the petitioner to connect him in commissioning of offence. He submits that the petitioner is a person of clean antecedents, who has suffered incarceration for a period of 3 months and 27 days as of now.

3. Learned State counsel has filed the custody certificate of the petitioner to corroborate that he has suffered incarceration for a period of 3 months and 27 days and is not a habitual offender.

4. Considering the afore-said facts and circumstances added with the fact it is a case of no injury where no weapon has been recovered from the possession of the petitioner and after framing of charges, out of total 58 witnesses only 6 have been examined, which is suffice for this Court to infer that conclusion of trial shall take considerable time, this Court is of the view that no fruitful purpose would be served by keeping the petitioner behind the bars for an indefinite period, which would amount 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*", as has been time and again discussed by this Court, while relying upon the judgment of the Apex Court passed in *Dataram Singh vs. State of Uttar Pradesh & Anr. 2018(2) R.C.R. (Criminal) 131*.

5. In light of the above 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. 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.

29.05.2024

Sham

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No