



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

**CRM-M-25058-2024
DECIDED ON:29.05.2024**

JASPREET SINGH @ JASSI AND ANOTHER

.....PETITIONERS

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Sukhmeet Singh, Advocate
for the petitioner.

Mr. Jaspal Singh Guru, AAG, Punjab.

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 petitioners in case FIR No. 372, dated 27.10.2023, under Sections 379-B, 323, 324 and 411 IPC, registered at Police Station City Faridkot, District Faridkot.

2. The earlier petition filed by the petitioners seeking regular bail has been dismissed as withdrawn by this Court vide orders dated 04.03.2024 passed in CRM-M-10319-2024 and CRM-M-10317-2024 respectively. It has been contended by learned counsel for the petitioners that after withdrawal of the earlier petition the change in circumstance is that the complainant has turned hostile and in that eventuality there is strong probability of petitioners in earning acquittal.

3. Be that as it may, having regard to the afore-said fact, which has not been controverted by learned State counsel, who has also produced the custody certificate of the petitioner No.1-Jaspreet Singh @ Jassi to corroborate that the petitioners have suffered incarceration for a period of six months and 23 days, as

of now added with the fact that the complainant has turned hostile, this Court is of the considered view that no fruitful purpose would be served by keeping the petitioners 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*.

4. In light of the above discussions made hereinabove, the petitioners are directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

5. The present petition is hereby allowed.

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.

29.05.2024
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(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No