



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

**CRM-M-26145-2024
DECIDED ON:29.05.2024**

MANISH KUMAR @ MOHIT

.....PETITIONER

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 petitioner 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 The earlier petition filed by the petitioner seeking regular bail has been dismissed as withdrawn by this Court vide order dated 02.04.2024 passed in CRM-M-2610-2024 (Annexure P-4). It has been contended by learned counsel for the petitioner 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 petitioner 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 to corroborate that the petitioner has suffered incarceration for a period of six months and 23 days, as of now added with the

that the complainant has turned hostile, this Court is of the considered 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*.

4. 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.
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
Sham

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No