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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-27589-2024
DATE OF DECISION: 13.06.2024

SUBHAM KUMAR ...PETITIONER

Versus

STATE OF HARYANA ... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. B.S. Beniwal, Advocate for the petitioner(s).
Mr. Gaurav Bansal, DAG, Haryana.

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. 534, dated 01.10.2023, under Sections 332/34/353/379-B/506 of IPC (later on under Section 411/186 IPC added), registered at Police Station City Fatehabad, District Fatehabad.
2. Learned counsel for the petitioner contends that the petitioner has been attributed danda blows on the legs of the complainant and these injuries have not been declared grievous in nature as is evident from Medical Legal Report dated 1.10.2023 (Annexure P-4). He has further argued that there is no eye witness and no footage of any CCTV cameras of the vicinity of alleged place of occurrence has been taken into possession to support the version of the prosecution by the Investigating agency or at the behest of counsel for the complainant at all.

3. Notice of motion.



4. On the asking of Court, learned State Counsel appearing on advance notice, accepts notice on behalf of respondent and has filed the custody certificate of the petitioner, which is taken on record. According to which, the petitioner is behind bars for last 7 months and 11 days who is not involved in any other case. He did not controvert the fact that the injuries caused by the petitioner as has been asserted in the version of the FIR is with danda on the legs of the complainant.

5. Be that as it may, after having heard learned counsel for the respective parties, this Court is of the considered view that since the petitioner has already suffered sufficient period in custody i.e. 7 months and 11 days and the challan stands presented on 13.02.2024, meaning thereby investigation is complete and no purpose would be served by keeping the petitioner behind the bars, in as much as nothing is to be recovered from the petitioner, otherwise as is evident from the custody certificate that the petitioner is not a habitual offender as he is not involved in any other case. Also, as per the principle of the criminal jurisprudence, no one should be considered guilty until the guilt is proved beyond reasonable doubt, whereas in the instant case, trial has been prolonged and is likely to take a long time 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" and "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".

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6. 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.

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.

8. Petition is allowed.

(SANDEEP MOUDGIL)
JUDGE

13.06.2024
anuradha

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