



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-28763-2024
DECIDED ON: 14.06.2024

JATINDER SINGH ALIAS JATIN

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Parminder Singh Sekhon, Advocate and
Mr. Gaurav, Advocate
for the petitioner.

Mr. Jasjit Singh Rattu, DAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court has been invoked under Section 439 Cr.P.C. seeking grant of regular bail to the petitioner in FIR No.245, dated 28.11.2023, under Sections 379, 379-B, 411, 34 IPC, registered at Police Station Division No.6, Ludhiana, District Ludhiana.

2. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. He further contends that co-accused of the petitioner namely Sagar Vij has been granted the concession of regular bail by a Coordinate Bench of this Court vide order dated 08.04.2024, passed in CRM-M-13993-2024, from whom the recovery of Rs.25000/- was effected. He further contends that the petitioner is in custody from the month of November 2023 and the investigation in the present case has already been completed, challan stands presented on 25.01.2024 and

charges were framed on 30.03.2024. He further submits that the petitioner is not a habitual offender as he is not involved in any other case and is ready and willing to join the investigation and cooperate with the investigating agency.

3. On the other hand, learned State counsel has produced the custody certificate of the petitioner today in Court, which is taken on record. He could not controvert the fact that challan stands presented on 25.01.2024 and the petitioner is not involved in any other case.

4. Be that as it may, considering the custody period i.e. 06 months and 11 days for which the petitioner has suffered incarceration and the undertaking given by learned counsel for the petitioner today in Court and the fact that the co-accused of the petitioner namely Sagar Vij has been granted the concession of regular bail by a Coordinate Bench of this Court vide order dated 08.04.2024 passed in CRM-M-13993-2024 added with the fact that challan stands presented on 25.01.2024; charges were framed on 30.03.2024 and out of total 12 prosecution witnesses, none has been examined till date, meaning thereby, the conclusion of trial will take a long time.

5. In the light of above facts, this Court is sanguine of the fact that according to the proposition settled by the Apex Court in ***Dataram Singh vs. State of Uttar Pradesh & Anr. 2018(2) R.C.R. (Criminal) 131***, that keeping somebody behind the bars, till his guilt is proved, for an indefinite period amounts 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*”.

6. Therefore, 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. In the afore-said terms, the present petition is hereby allowed.
8. However, it is made clear that anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case.

14.06.2024
Poonam Negi

(SANDEEP MOUDGIL)
JUDGE

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