



CRM-M-30978 of 2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-30978 of 2024
Date of Decision: 08.07.2024

Deepak Paswan

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

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

Mr. J.S. Rattu, DAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

This is a petition seeking regular bail to the petitioner in FIR No.162, dated 19.06.2023, under Sections 302, 148 and 149 of the IPC, 1860 (Section 323 of IPC added later on), registered at Police Station Sahnewal, District Ludhiana.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present petition on the basis of disclosure statement suffered by friend of the deceased. He further submits that provisions of Section 302 IPC are not made out against the petitioner and due to some old enmity, the petitioner has been roped in the present case and only motor-cycle has been recovered from him.

Learned State counsel has filed the custody certificate of the petitioner, which is taken on record. He prays for dismissal of the present petition stating that the allegations against the petitioner are serious in nature.



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Be that as it may, having gone through the custody certificate, the petitioner has suffered incarceration of 01 year and 10 months and considering the fact that investigation is complete, challan stands filed on 15.09.2023, charges are also framed and the fact that out of total 20 prosecution witnesses, none has been examined so far which is sufficient to infer for this Court that the trial will take long time, no useful purpose would be served by keeping the petitioner behind the bars for uncertain period, wherein bail is a rule and jail is an exception and it would also violate the principle of right to speedy trial and expeditious disposal under Article 21 of Constitution of India, 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.***

In view of the above, 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.

In the aforesaid terms, the present petition is, hereby, allowed.

However, it is made clear that any observation made hereinabove, shall not be construed as an expression of opinion on the merits of the case.

08.07.2024
D.Bansal

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No