



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

**CRM-M-29433-2024
DATE OF DECISION: 11.06.2024**

JOBANJIT SINGH ...PETITIONER

Versus

STATE OF PUNJAB ... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. P.K. Kapila, Advocate for the petitioner(s).
Mr. J.S. Guru, AAG, Punjab.

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. 0029, dated 26.03.2024, under Sections 379-B of IPC, registered at Police Station Bhikhiwind, District Tarn Taran (Annexure P-1).

2. Learned counsel for the petitioner contends that the alleged FIR was registered against one unknown person who had snatched the phone of the complainant. During the investigation, on 26.03.2024, on the basis of secret information, the petitioner was arrested. Since the alleged recovery has been effected, investigation stands completed, no fruitful purpose would be served by keeping the petitioner behind the bars. He further contends that the petitioner has clean antecedents as he is not involved in any other case.

3. Learned State counsel has filed the custody certificate of the petitioner, which is taken on record. According to which, the



petitioner is behind bars for last 2 months and 11 days who is not involved in any other case.

4. Keeping in view the facts that charges were framed on 21.06.2024 wherein the petitioner has already suffered sufficient period in custody i.e. 2 months and 11 days and he is not involved in any other case, and as per the principle of the criminal jurisprudence, no one should be considered as guilty till the guilt is proved beyond reasonable doubt, whereas in the instant case, trial is prolonged and likely to take long time in the light of the fact that out of 8 prosecution witnesses, none has been examined so far 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, 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”***.

5. 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.

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.

7. Petition stands allowed.

(SANDEEP MOUDGIL)
JUDGE

11.06.2024
anuradha

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No