



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

**CRM-M-30458-2024
DECIDED ON: 05.07.2024**

SUNNY KAUSHAL

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Sandeep Singh Jattan, 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. for grant of regular bail to the petitioner in FIR No.02, dated 05.01.2024 (Annexure P-1), under Section 379-B(2), 411 IPC, registered at Police Station Ranjit Avenue, District Amritsar.

2. Learned counsel for the petitioner contends that the allegations against the petitioner qua snatching of motorcycle bearing registration No.PB-02EN-3820 make Splendor Black Colour, using datar to cause coercion against the complainant. He further contends that the petitioner has spent more than 05 months in custody and he is not a habitual offender. He further informs the Court referring to the order dated 18.03.2024 passed by a Coordinate Bench of this Court that the parties have already entered into a compromise and for quashing of the said FIR in pursuance thereof, a petition was filed bearing CRM-M-14105-2024 which is now listed for 06.08.2024

after recording of the statement among the parties to the present lis before trial Court/Illaqa Magistrate.

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 deny the factum of compromise entered into between the parties as well as the fact that the petitioner has suffered incarceration for a period of 05 months and 12 days, who is not involved in any other case.

4. Considering the details as per the custody certificate produced by the State, it is clear that the petitioner is not a habitual offender and the parties have also entered into a compromise and even otherwise charges were framed on 13.05.2024 and out of total 11 prosecution witness, none has been examined so far, meaning thereby the conclusion of the trial will take a long time and on that account, no useful purpose would be served by keeping the petitioner behind the bars for an indefinite period.

5. In the light of aforesaid discussion and having gone through the record with the assistance of learned counsel for the petitioner, this Court is obvious of the fact that the petitioner cannot be detained behind the bars for an indefinite period, which would tantamount to violation of principle of criminal jurisprudence i.e. *“bail is a rule and jail is an exception”*, as has been held by Division Bench of this Court in ***“Rajinder Singh versus State of Haryana”, 2022(2) RCR (Criminal) 85*** as well as by the Apex Court in ***“Dataram Singh vs. State of Uttar Pradesh & Anr.”, 2018(2) R.C.R. (Criminal) 131*** apart from the fact that Article 21 of the Constitution of India also includes right of speedy trial and expeditious disposal of the same.

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.

05.07.2024
Poonam Negi

(SANDEEP MOUDGIL)
JUDGE

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