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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No. 30718 of 2024
Date of decision : 3.7.2024

Bhupinder Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. B.S. Jaswal, Advocate, for the petitioner

Mr. J.S. Rattu, DAG, Punjab

SANDEEP MOUDGIL, J (ORAL)

This petition under section 439 Cr.P.C. has been filed for grant of regular bail to the petitioner in case FIR No.3 dated 7.1.2024, under Sections 379-B (2) and 34 of IPC, registered at Police Station Tarsikka, District Amritsar Rural (Annexure P-1).

2. Learned counsel for the petitioner contends that the petitioner has not been named in the FIR or in any other statement. No recovery has been effected from him. Merely ₹1000/- were snatched by the co-accused who were caught by the complainant after chasing them.
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 the last 5 months and 8 days, who is convicted in two other cases, out of which one is of similar nature, and in two cases he is on production warrants. He has opposed the prayer made in the present

petition but the afore-said narration of the facts has not been controverted by him.

4. Having gone through the contents of the FIR as well as the statements made by learned counsel for the petitioner and the learned State Counsel, the custody period undergone by the petitioner, 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 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 judgment 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. The petition stands allowed

(SANDEEP MOUDGIL)
JUDGE

3.7.2024
Ashwani

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