



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

**CRM-M-30954-2024(O&M)
DECIDED ON: 05.07.2024**

RAVI

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM:HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Karanyog Singh Riar, Advocate for
the petitioner.

Mr. Chetan Sharma, DAG, Haryana.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court has been invoked under Section 439 Cr.P.C., seeking regular bail to the petitioner in FIR No.919, dated 09.12.2023, under Sections 323, 324, 341, 506, 34, 307 and 120-B of the IPC, 1860, registered at Police Station Civil Lines Sirsa (Annexure P-1).
2. Learned counsel for the petitioner contends that no specific injury has been attributed to the petitioner and, accordingly, he was not named in the FIR as well and his name was revealed only in the supplementary statement made by the complainant after almost 10 days from the date of occurrence. Learned counsel for the petitioner further asserts that having spent for more than six months by now, wherein, investigation is complete and charges are still to be framed and challan stands presented on 18.02.2024.
3. Learned State counsel has produced the custody certificate of the petitioner in Court today. The same is taken on record. A copy of which has been furnished to the learned counsel for the petitioner. Though, Mr. Sharma, learned State counsel, did not controvert the date of filing of challan, but would assert that material witnesses are yet to be examined and, therefore,



seeks dismissal of the instant bail petition.

4. Though, it is on candid admission that no specific injury has been attributed to the petitioner, as per narrated facts by the complainant even in the supplementary statement.

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 a exception'*, as has been held by Division Bench of this Court ***“Rajinder Singh versus State of Haryana”, 2022(2) R.C.R. (Criminal) 85*** as well as by the Apex Court in ***“Dataram Singh versus State of Uttar Pradesh & Another”, 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. Be that as it may, considering the aforesaid facts and circumstances and having heard learned counsel for the parties, this Court of the considered view that the present petitioner, who has already spent 06 months and 14 days in custody, is not involved in any other case. Therefore, he deserves the concession of regular bail in view of the fact that he was neither named initially in the FIR, nor any specific injury has been attributed to the petitioner and even subsequently, no active role has been assigned to him but merely on the basis of supplementary statement, he is behind bars for 06 months and 14 days, who is not a habitual offender, as is evident from the custody certificate itself.

7. 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.

8. In the afore-said terms, the present petition is hereby allowed.
9. 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
Anjal

(SANDEEP MOUDGIL)
JUDGE

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