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

**CRM-M-31709-2024
DATE OF DECISION: 11.07.2024**

SEHAJ ALIAS SEHAJVIR ...PETITIONER

Versus

STATE OF PUNJAB ... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Vishal Satija, Advocate for the petitioner(s).
 Mr. J.S. Rattu, DAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

The present petition filed under Section 439 Cr.P.C., seeks grant of regular bail FIR No.10, dated 07.02.2024, under Sections 323, 341, 325, 506, 148, 149 IPC (Section 307 and 201 of IPC added later on), registered at Police Station Sadar Sangrur, District Sangrur.

2. Learned counsel for the petitioner submits that the petitioner alongwith other co-accused has been implicated with the allegations of having caused injuries on the person of complainant-Amritpal Singh with an intention to kill him. He further submits that the petitioner is in custody for the past about five months and has been falsely implicated in the present case; thus, prayer is for grant of regular bail to the petitioner. He further submits that pre-arrest bail granted to the similarly placed co-accused-Gurpreet Singh and Bunty Singh alias Kurnaig have already been confirmed by this Court vide order of even date passed in CRM-M-12566-2024 & CRM-M-14691-2024 respectively.



[3] On the other hand, learned State Counsel vehemently opposes the prayer made on behalf of the petitioner, while referring to the injuries inflicted upon the person of complainant. He has filed the custody certificate of the petitioner, which is taken on record. According to which, the petitioner is behind bars for last 4 months and 22 days who is not involved in any other case. He is not in a position to dispute that no specific or categoric injury has been attributed to the petitioner, while the injured got discharged from the hospital.

4. Having heard learned counsel for the respective parties, this Court is of the considered view that the petitioner has already suffered sufficient period in custody, he is not involved in any case, meaning thereby the petitioner is not a habitual offender, challan stands presented on 16.04.2024, charges framed on 05.06.2024 added with the fact that pre-arrest bail granted to the similarly placed co-accused- Gurpreet Singh and Bunty Singh alias Kurnaig have already been confirmed by this Court vide order of even date passed in CRM-M-12566-2024 & CRM-M-14691-2024 respectively.

5. 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 15 prosecution witnesses, none has been examined 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”.

6. 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.

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

8. Petition is allowed in above terms.

(SANDEEP MOUDGIL)
JUDGE

11.07.2024
anuradha

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