

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

209/2

**CRM-M-47453 of 2023
Date of Decision: 29.02.2024**

Paramjit Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Anosh Samson, Advocate for the petitioner.

Mr. Rajiv Verma, DAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

This is a petition seeking regular bail to the petitioner in FIR No.10, dated 06.04.2023, under Sections 379-B, 341 and 34 of the IPC, 1860 (Section 201 IPC added later on), registered at Police Station Mattewal, District Amritsar.

Learned counsel for the petitioner submits that the only role attributed to the petitioner is that he was holding a datar in his hand, though no injury has been attributed by that datar.

It is also asserted on behalf of the petitioner that he has been falsely implicated in the case just to intact their record that such complaints have been addressed by the police since he is involved in other multiple cases and in those cases also, he is on bail.

Mr. Verma, on the other hand, has furnished the copy of the custody certificate, which is taken on record who asserts for dismissal of the present petition stating that the petitioner is an habitual offender and he is involved in multiple other cases, as has been detailed in the custody certificate, to be precise four in total but could not deny the factum that the

petitioner is on bail on all those cases except in one FIR No.8 dated 17.03.2023 which is also of identical nature under Sections 379-B(2), 341, 506, 148 and 149 IPC read with Sections 25, 27, 54 and 59 of the Arms Act, Police Station Mattewal, District Amritsar.

In the light of above, since no injury is attributed to the petitioner and he is in custody for 08 months and 26 days and also the fact that after framing of the charges on 31.10.2023, in the last four months, not a single witness has been examined so far out of 11 PWs cited in the challan for which the petitioner cannot be blamed and in the instant case, since the investigation is complete, challan stands filed, charges have been framed, no useful purpose would be served by keeping the petitioner behind the bars for uncertain period, wherein bail is a rule and jail is an exception and it would also violate the principle of right to speedy trial and expeditious disposal under Article 21 of Constitution of India, as has been time and again discussed by this Court, while realising the judgment of the Apex Court passed in *Dataram Singh vs. State of Uttar Pradesh & Anr. 2018(2) R.C.R. (Criminal) 131*.

In view of the above, petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, concerned.

The present petition is, hereby, allowed.

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

29.02.2024

D.Bansal

(SANDEEP MOUDGIL)
JUDGE