

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

**CRM-M-50536-2023
DECIDED ON: 15.02.2024**

KARAN SINGH**.....PETITIONER**

VERSUS

STATE OF PUNJAB**.....RESPONDENT****CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. H.S. Rakhra, 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 seeking regular bail to the petitioner in FIR No.58, dated 10.04.2023 (Annexure P-1), under Sections 379-B, 511 IPC, registered at Police Station Majitha, District Amritsar Rural.
2. Learned counsel for the petitioner contends that the allegation qua the petitioner is that he along with co-accused Anmoldeep Singh tried to snatch the mobile phone from the hand of Rajannoor Singh, who was sitting on the pillion seat of activa of the complainant. He further contends that nothing has been recovered from the possession of the present petitioner. It is also asserted by learned counsel for the petitioner that challan stands filed and the petitioner is in custody for more than 10 months by now.
3. Learned State counsel has produced the custody certificate of the petitioner today in Court, which is taken on record. He is not in a position to controvert the fact that nothing has been recovered from the

possession of the petitioner. He on instructions from ASI Sarabjit Masih, intimates the Court that charges have been framed on 13.02.2024 and out of total 13 witnesses, only 02 have been examined.

4. Be that as it may, considering the custody period i.e. 10 months and 9 days, for which the petitioner has already suffered incarceration behind the bars and the fact that the petitioner is not involved in any other case, meaning thereby he is not a habitual offender added with the fact that charges were framed on 13.02.2024 and out of total 13 witnesses, only 02 have been examined till date, meaning thereby, the conclusion of trial will take certainly long time.

5. This Court is sanguine of the fact that according to the proposition settled by the Apex Court that keeping somebody behind the bars, till his guilt is proved, for an indefinite period amounts to infringement of his right to life and liberty, as enshrined under Article 21 of Constitution of India and is against the principle “*bail is a rule and jail is an exception*”.

6. In view of the aforesaid discussions made hereinabove, the petitioner is directed to be released on regular bail on her 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.

(SANDEEP MOUDGIL)
JUDGE

15.02.2024

Poonam Negi

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No