

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

**CRM-M No. 57997-2023
Date of decision : 25.01.2024**

MONU

..... Petitioner

versus

STATE OF PUNJAB

..... Respondent

CORAM : HON'BLE MR.JUSTICE SANDEEP MOUDGIL

Present :- Mr. Prince Saini, Advocate for
Mr. T.P.S. Tung, Advocate
for the petitioner.

Mr. Ramdeep Partap Singh, Sr. DAG, Punjab.

SANDEEP MOUDGIL, J. (ORAL)

1. The jurisdiction of this Court has been invoked under Section 439 Cr.P.C., for grant of regular bail to the petitioner in FIR No.0032 (Annexure P-1), dated 11.02.2022, under Sections 302/34 of IPC, 1860 (Section 392/411/449 and 509 of IPC, 1860 added later on) registered at Police Station Sadar Kharar, District SAS Nagar.

2. The contention raised by learned counsel appearing on behalf of the petitioner states that initially the case was got registered against the petitioner on the basis of statement by complainant Swaranjit Kaur against some unknown persons. It is argued on behalf of the petitioner by Mr. Prince Saini-learned Advocate that in fact it is a case of false implication and no direct evidence was available at the time of registration of present case as the deceased was found lying in the kitchen and blood was oozing from his head.

The deceased was working as a treasurer in Gurudwara of Village Bhagomajra

and the name of petitioner was subsequently nominated in the instant FIR as an accused on the basis of disclosure statement of Intezaar @ Lucky. He also vehemently submits before this Court that no material has been recovered from the possession of the petitioner during the course of investigation except an amount of Rs. 12,000/-.

3. On the other hand, learned State counsel has produced the custody certificate of the petitioner, which is taken on record. The same has been supplied to the counsel for the petitioner- Mr. Prince Saini.

4. Learned State counsel seeks dismissal of the instant petition on the strength of the fact which came to light during the course of investigation that from the mobile phone of the deceased, CDR was developed and on examination of that CDR the link connected the petitioner subsequently leading to the arrest of accused Intezaar @ Lucky and Monu.

5. It is not in dispute that the petitioner has already suffered custody for a period of 1 year 11 months and 10 days wherein charges were framed on 09.09.2022 and out of 28 prosecution witnesses only 4 have been examined so far, which clearly suggests that the trial will likely take long time to conclude. The petitioner cannot be put behind the bars for an indefinite period, which would amount 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". It is the basic principle of criminal jurisprudence that until or unless guilt is proved, no body can be punished.

6. In view of the above 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.

(SANDEEP MOUDGIL)
JUDGE

25.01.2024
Anu

Whether speaking/reasoned	Yes/No
Whether Reportable :	Yes/No