

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

210

CRM-M-59704-2023 (O&M)

Date of decision: 22.02.2024

Sanyam

...Petitioner

Vs.

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

**Present: Mr. Yashveer Kharb, Advocate,
for the petitioner.**

Mr. G.S. Dhillon, AAG, Haryana.

Sandeep Moudgil, J. (oral)

This is a petition seeking regular bail in FIR No.272, dated 21.07.2023, under Sections 324, 341 and 506 of Indian Penal Code, 1860 (Final report under Section 173 Cr.P.C. filed under Sections 324, 326, 341 and 506 IPC), registered at Police Station, Model Town, District Panipat.

Learned counsel for the petitioner submits that there is no incriminating material or evidence against the petitioner, who is stated to be not present at the spot at the time of alleged occurrence. Learned counsel for the petitioner, while seeking concession of regular bail, states that the petitioner is behind the bars for the last more than six months.

Learned State counsel, on the other hand, has produced copy of the custody certificate, which is taken on record. Copy of the same has also been handed over to learned counsel for the petitioner in Court today. Learned State counsel argues that the petitioner has actively participated in the commissioning of the offence and he has been specifically named in the FIR. He further argues that specific injury has been attributed to the petitioner. The trial is yet to be commenced. Hence, this petition may be

dismissed.

Be that as it may, having gone through the custody certificate, the petitioner has suffered incarceration of 06 months and 24 days, wherein charges have already been framed and out of 16 prosecution witnesses, only one has been examined so far, which clearly suggests that the trial will take long time to conclude, for which, the petitioner cannot be put behind the bars for an indefinite period in the light of the gravity of the offence involved in the instant FIR, as no specific role has been attributed to the petitioner on perusal of the FIR as well as the challan presented.

Having heard learned counsel for the respective parties, this Court is of the considered view that since the petitioner has already suffered sufficient period in custody and 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 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".

In light of the above, 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.

The present petition is, hereby, allowed.

(SANDEEP MOUDGIL)
JUDGE

22.02.2024
Ajay Prasher

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