

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

212-CRM-M-62287-2023
Date of Decision: 07.02.2024

Satnam Singh @ Kaka ... Petitioner

VS.

State of Punjab ... Respondent

CORAM: HON'BLE MR.JUSTICE SANDEEP MOUDGIL

Present: Mr. Vedant Setia, Advocate for the petitioner

Mr. Sanish Girdhar, AAG Punjab

Sandeep Moudgil, J. (Oral)

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.159 dated 26.09.2023 (Annexure P-1) under Sections 304/34 IPC, registered at Police Station City 1, Mansa, Tehsil and District Mansa.

Learned counsel for the petitioner contends that there is no incriminating material or evidence available with the prosecution to connect the petitioner with the alleged offence which may raise the probability for conviction in the offence under Section 304 IPC. He also asserts to say that in the FIR, the petitioner was not named and no role whatsoever has also come on record to connect the role of the petitioner with the commissioning of the offence as he never supplied any intoxicant to the deceased Parwinder Singh who died due to excessive intake of intoxicant.

On the other hand, learned State counsel has produced the custody certificate of the petitioner dated 06.02.2024, which is taken on record, to demonstrate that he has suffered incarceration for a period of 4 months and 12 days in the present case. He further argues for dismissal of regular bail in the

instant petition making an effort to contend that the petitioner is a habitual offender found involved in 7 other cases and in 5 cases, production warrants have been issued against the petitioner. He informed that charges in the instant case is yet to be framed; and challan has been presented on 24.11.2023.

Since the petitioner has already suffered custody for more than 4 months and 12 days and also that the nothing has been recovered from the possession of the petitioner added with the fact that the charges are yet to be framed meaning thereby that the trial will take certainly long time to conclude and in such a situation, 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*”.

Therefore, taking into consideration the totality of the circumstances as also the fact that the trial is likely to take some time, therefore, no fruitful purpose will be served by keeping the petitioner behind bars, this petition is allowed and the petitioner is directed to be released on regular bail on furnishing bail and surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned.

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

07.02.2024
V.Vishal

(Sandeep Moudgil)
Judge

- 1. Whether speaking/reasoned?
- 2. Whether reportable?

Yes/No
Yes/No