

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-11575 of 2015
Date of Decision : 24.04.2015

Dr. Rahul Khurana

.....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE R.P. NAGRATH

Present: Mr. Raman Goklaney, Advocate
for the petitioner.

Mr. Gazi Mohd., DAG, Punjab.

R.P. Nagrath, J. (Oral)

Petitioner seeks bail under Section 439 read with 482 Cr.P.C. in FIR No. 65 dated 23.06.2014 for offence under Sections 419, 420, 465, 467, 468, 471 and 120-B of Indian Penal Code (IPC), registered at Police Station City Fazilka, District Fazilka.

The charges against the petitioner were framed by the trial Court on 20.12.2014 for offence under Sections 419, 420, 465, 467, 468, 471 and 120-B IPC. Thereafter, the case was adjourned for evidence of the prosecution for 03.01.2015. After recording some evidence, an application was filed under Section 319 Cr.P.C. for summoning of the additional accused and the same was allowed. The matter is now fixed for presence of rest of the additional accused.

In the circumstances of the case when the case is not concluded within 60 days of the first date fixed for the evidence of

prosecution, the petitioner seems to be entitled to avail of the concession of bail under Section 437 (6) Cr.P.C. but no such application was filed before the Magistrate under the said provision.

The instant petition is disposed of with liberty to the petitioner to apply to the Magistrate in terms of Section 437 (6) Cr.P.C. within two weeks and in case his case is covered by the requirement of said provision, the Magistrate obviously has to allow the said application.

In the meanwhile, the petitioner be released on bail on furnishing bail bonds to the satisfaction of trial Court. In case, such an application is not filed by the petitioner within the stipulated period before the Magistrate, the concession of bail granted by this Court shall automatically stand vacated.

Allowed in the above terms.

April 24, 2015
jk

(R.P. NAGRATH)
JUDGE