

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

**Criminal Misc. No. M-13978 of 2015
Date of Decision: 20.5.2015**

Davinder Kumar

--Petitioner.

Vs.

State of Punjab

--Respondent.

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

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RAMESHWAR SINGH MALIK J. (ORAL)

Petitioner seeks bail pending trial in FIR No.87 dated 25.12.2014 under Sections 457/380 IPC, registered at Police Station Talwandi Sabo, Bathinda.

Notice of motion was issued.

Learned counsel for the State, on instructions from ASI Darshan Singh, P.S. Talwandi Sabo, submits that next date of hearing before the learned trial court is 27.5.2015 and on that date, report under Section 173 Cr.P.C. shall be presented to the court. He further submits that the challan could not be presented to the court because of load of work, as instructed by ASI Darshan Singh, P.S. Talwandi Sabo.

Having heard the learned counsel for the State, after careful perusal of record of the case and giving thoughtful consideration to the contentions raised, this Court is of the considered opinion that in the given fact situation of the present case, petitioner is entitled for bail pending trial. It is so said, because in spite of expiry of more than five months, even the challan has not been presented to the court.

When a pointed question was put to the learned counsel for the State as to whether the investigating agency has sought extension of time from the learned court of competent jurisdiction for the purpose of filing challan, he, on instructions from ASI Darshan Singh, P.S. Talwandi Sabo, submits that no such extension of time has been applied for. This shows the casual approach adopted by the investigating agency.

Without commenting anything further in this regard, the instant petition is allowed. Petitioner is directed to be released on bail pending trial in FIR No.87 dated 25.12.2014 under Sections 457/380 IPC, registered at Police Station Talwandi Sabo, Bathinda, on his furnishing adequate bail bonds/surety bonds to the satisfaction of learned trial Court.

Disposed of, accordingly.

(RAMESHWAR SINGH MALIK)
JUDGE

20.5.2015
AK Sharma