

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.

Crl.Misc. No.M-15627 of 2015
Date of Decision : 19.5.2015

Gurbinder Singh

.....Petitioner

Vs.

State of Punjab

.....Respondent

...

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

...

Present : Mr. Peeush Gagneja, Advocate for the petitioner.

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1. To be referred to the Reporter or not ?
2. Whether the judgement should be reported in Digest ?

RAMESHWAR SINGH MALIK, J

Petitioner seeks bail pending trial in FIR No.334 dated 27.10.2014 under Sections 323,341,354,452,506,34 IPC (Section 326 IPC added later on) registered at Police Station Zirakpur, Distt. SAS Nagar, Mohali.

Notice to Advocate General, Punjab.

On the asking of the court, Mr. D.S. Virk, AAG, Punjab, appears and accepts notice.

Learned counsel for the petitioner submits that he has been falsely implicated in the present case. The offence under Section 326 IPC was added later on. The story put forth in the FIR is a concocted one. He prays for allowing the present petition.

On the other hand, learned counsel for the State, on instructions from Syam Chand, ASI, Police Station Zirakpur, submits that the petitioner was earlier facing the trial in FIR No.260 dated 13.6.2013 Police Station Zirakpur, Distt. SAS Nagar, Mohali. He further submits that when he was on bail in the said case, he again committed the offence and the present FIR was registered against him. He prays for dismissal of the present petition.

Having heard learned counsel for the parties and after going through the record of the case, 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 the petitioner came to be arrested in the present case on 13.4.2015, whereas the FIR was registered on 27.10.2014. Petitioner has been appearing before the learned trial court in the above said earlier FIR, but inspite of that fact, police did not arrest the present petitioner for a period of more than six months.

On the other hand, learned counsel for the State refers to many DDRs recorded by the investigating officer that the petitioner was absconding. No efforts were made by the investigating agency to get the present petitioner declared as proclaimed offender.

Without commenting any further on the merits of the case, lest it should prejudice the rights of either of the parties, present petition is allowed. Petitioner is directed to be released on bail pending trial on his furnishing adequate bail bonds/surety bonds to the satisfaction of learned trial court.

Disposed of, accordingly.

19.5.2015
GS

(RAMESHWAR SINGH MALIK)
JUDGE