

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

Criminal Misc.No.M-25378 of 2015

Date of Decision: September 01, 2015

Sumit Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr.H.S.Jalal, Advocate,
for the petitioner.

Mr.K.S.Pannu, DAG, Punjab.

Naresh Kumar Sanghi, J.(Oral)

Prayer in this petition, filed under Section 439, Cr.P.C., is for grant of bail to the petitioner, Sumit Kumar, who has been booked for having committed the offences punishable under Section 384, IPC, and Section 25 of the Arms Act, 1959, in a case arising out of FIR No. 102, dated 4.7.2015, registered at Police Station, Civil Lines, Bathinda.

Learned counsel contends that even if the whole case of the prosecution is taken at its face value, then also the essential ingredients of Section 384, IPC, are not attracted; both the offences for which the petitioner has been booked, are triable by learned Judicial Magistrate First Class; the petitioner is behind the bars from 4.7.2015; and that the custodial interrogation qua him is complete.

Learned counsel for the State on instructions from HC Tara Singh of Police Station, Civil Lines, Bathinda, submits that the

petitioner is also involved in a case under Section 302, IPC, registered at Delhi. However, he fairly states that the offences for which the petitioner has been booked, are triable by learned Judicial Magistrate First Class and that he is in judicial custody since 4.7.2015. He further submits that no recovery is now due towards the petitioner.

I have heard learned counsel for the parties and with their able assistance gone through the material available on record.

Keeping in view totality of the facts and circumstances of the case, the present petition is allowed. The petitioner, Sumit Kumar, s/o Susidhar, r/o Street No.3, Partap Nagar, Bathinda, is ordered to be released on bail during pendency of the trial of the present case subject to his furnishing bail bond in the sum of ₹50,000/- (Rupees fifty thousand only) with one surety in the like amount, to the satisfaction of the learned Area Judicial Magistrate/Duty Magistrate, Bathinda.

September 01, 2015
seema

(Naresh Kumar Sanghi)
Judge

