

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

**CRM-M-No.26798 of 2015
Date of decision : September 28, 2015**

Mehfooz @ Kasim

----Petitioner

V/s

State of Punjab

-----Respondent

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

1. Whether reporters of local newspapers may be allowed to see judgment?
2. To be referred to reporters or not?
3. Whether the judgment should be reported in the Digest?

Present:- Mr. Amandeep Singh, Advocate for the petitioner.
Mr. Gurinderjit Singh, Deputy Advocate General,
Punjab.

HARI PAL VERMA, J. (Oral)

Prayer made in the present petition filed under Section 439 of the Code of Criminal Procedure is for the grant of regular bail to the petitioner in case FIR No.18, dated 04.02.2015 for offence punishable under Sections 420, 34 IPC, registered at Police Station Daba, District Ludhiana.

Learned counsel for the petitioner contends that the petitioner is in custody since 06.02.2015 and the offence alleged in FIR are triable by Magistrate. Co-accused of the petitioner have been admitted on regular bail by this Court in CRM-24008 of 2015 titled as Navi Hassan Diwan @ Manjal Vs. State of Punjab, CRM-13558-2015 titled as Ajit Kumar Vs. State of Punjab and CRM-16109-2015 titled as Mehmood Alam @ Sunny Vs. State of Punjab.

Learned counsel for the petitioner contends that the role of the petitioner is at par with that of Ajit Kumar and Mehmood Alam

@ Sunny.

Learned State counsel on instructions from ASI Kuljit Singh does not dispute the aforesaid fact and he submits that as against the total 7 witnesses cited by the prosecution, four witnesses have already been given up whereas the chief examination of two witnesses is already complete.

Keeping in view the facts and without expressing any opinion on the merits of the case, the present petition is accepted and the petitioner-Mehfooz @ Kasim is ordered to be released on regular bail, subject to his furnishing bail bonds/surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, Ludhiana subject to the following terms:-

1. The accused shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
2. In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the accused shall have to apply for bail afresh before the trial Court.
3. He shall not leave the country without the previous permission of the Court.

However, it is made clear that nothing observed herein shall be construed as an expression of opinion on the merits of the case and the trial Court shall consider the case on the basis of evidence and material as produced before it.

September 28, 2015

**[HARI PAL VERMA]
JUDGE**