

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM No.M-28537 of 2015

Date of decision : September 02, 2015

Pavijeet Singh Gill and another

...Petitioners...

versus

State of Punjab

...Respondent...

CORAM : HON'BLE MR. JUSTICE JASPAL SINGH

Present : Mr. Vikram Chaudhari, Sr. Advocate with
Mr. Isha Goyal, Advocate,
for the petitioners.

Mr. Y.K. Gupta, AAG, Punjab.

Mr. Vivek Salathia, Advocate,
for the complainant.

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

JASPAL SINGH, J.

This is a second petition under Section 439 of the Code of Criminal Procedure preferred by petitioners, seeking regular bail in case FIR No. 50, dated February 11, 2014, under Sections 420, 467, 468, 471, 120-B IPC, Police Station Civil Lines, District Amritsar City.

Heard.

It is an undisputed fact that after registration of instant FIR, petitioners were arrested on March 11, 2015 and subjected to custodial interrogation. Since, the date of their arrest, they are suffering incarceration. All the offences complained of against the

petitioners are triable by Magistrate. Investigation is already complete and report under Section 173 (2) Cr.P.C. has already been presented in the Court of Id. Magistrate. Apart from it, two civil suits are also pending in between the parties, in respect of controversy, which is also involved in the instant case.

Learned State counsel has furnished custody certificate and same is taken on record.

During the course of arguments, learned State counsel and learned counsel appearing on behalf of complainant have raised issue that earlier petition filed under Section 439 Cr.P.C. seeking regular bail was withdrawn by learned counsel for petitioners after arguing for some time on July 08, 2015. Subsequent thereto, he has filed instant petition. Be that as it may withdrawal of earlier petition does not create any bar for filing a fresh petition.

Taking into consideration the aforesaid aspects of the case but without expressing any opinion on the merits, this Court is of the considered view that it is a fit case to grant the concession of bail.

Accordingly, petition is allowed and petitioners are ordered to be released on bail at the satisfaction of Id. trial court/Duty Magistrate, Amritsar.

September 02, 2015
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(JASPAL SINGH)
JUDGE