

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

(214)

CRM-M-31386-2015

Decided on: December 14, 2015.

Malkiat Singh

.... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. P.S. Mirpur, Advocate, for the petitioner.

Ms. Harpreet Kaur Athwal, DAG, Punjab.

Mr. Kamal Sharma, Advocate, for the complainant.

M.M.S. BEDI, J (ORAL)

Petitioner remained on anticipatory bail w.e.f. the year 2013 to 2015. Anticipatory bail granted to the petitioner was cancelled as he was able to get bail on the basis of statement of one ASI Ranjit Singh that he had joined investigation and was not required for any purpose.

After cancellation of bail, the petitioner has been in custody for the last six months. Challan has already been presented.

Learned counsel for the complainant has submitted that the main co-accused of the petitioner namely Arvind Batra has not been arrested till date as he is a proclaimed offender.

I have considered the facts and circumstances of the case and I am of the opinion that the petitioner cannot be penalized for the in-action on part of investigating agency in arresting the co-accused Arvind Batra. So far

as petitioner is concerned, he remained on pre-arrest bail for the period of two years and there is no complaint against him for having tampered the evidence. The factors for grant of regular bail are different from the parameters for grant of pre-arrest bail.

I have considered the contentions of learned counsel for the complainant that the petitioner has committed another offence of similar nature.

Learned counsel for the petitioner informs that the petitioner stands acquitted in the said case after trial.

The circumstances for cancellation of pre-arrest bail have also been considered carefully and I am of the opinion that the petitioner can be granted concession of regular bail.

Petition is allowed. Petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the trial Court.

(M.M.S. BEDI)
JUDGE

December 14, 2015
harsha