

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

CRM-M-36221-2015 (O&M)

Date of Decision: October 30, 2015

Harmesh @ Meshi

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

- 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?***

Present: Mr.Abhinav Gupta, Advocate
for the petitioner.

Mr.P.S.Ghuman, Addl.A.G.Punjab.

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NARESH KUMAR SANGHI, J.(ORAL)

Prayer in this petition, filed under Section 439, Cr.P.C., is for grant of regular bail to the petitioner, Harmesh @ Meshi, son of Lachhman Dass, resident of village Barsala, Tehsil and District Jalandhar, who has been booked for having committed the offences punishable under Sections 120B, 406, 420, 467, 468 and 506, IPC, in a case arising out of FIR No.70, dated 27.04.2015, registered at Police Station, City Roop Nagar, District Roop Nagar.

Learned counsel for the petitioner submits that even if the whole case of the prosecution is taken at its face value then also the basic ingredients of the offences for which he (petitioner) has been booked are not attracted; all the offences for which the petitioner has been booked are triable by learned Judicial Magistrate Ist Class; petitioner is behind the bars from 20.09.2015 and the investigation qua him is complete and, as such, further incarceration would not be of any consequence.

Learned counsel for the State, after taking instructions from HC Hukam Singh of Police Station, City, Roop Nagar, and going through the police file very fairly concedes that there is no direct evidence of acceptance of the money by the petitioner from the informant/complainant side and of conspiracy with his co-accused.

After hearing the learned counsel for the parties, keeping in view the facts and circumstances of the case and the fact that co-accused of the petitioner, namely, Sarabjit Singh, Gurjeet Singh and Ashwani Kumar have also been arrested and are behind the bars, the present petition is accepted. The petitioner, Harmesh @ Meshi, son of Lachhman Dass, resident of village Barsala, Tehsil and District Jalandhar, is directed to be released on bail during pendency of the trial of the present case

subject to his furnishing bonds to the satisfaction of learned trial Court.

October 30, 2015
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(NARESH KUMAR SANGHI)
JUDGE