

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-40050-2015

Date of Decision: December 4, 2015

Ashwani Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

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

Mr. K.S. Pannu, DAG, Punjab,
for the respondent.

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?*

NARESH KUMAR SANGHI, J (Oral)

Prayer in this petition, filed under Section 439, Cr.P.C., is for grant of bail to the petitioner, Ashwani Kumar, son of Sita Ram, resident of Village Asmanpur, Police Station, Nurpur Bedi, Tehsil Anandpur Sahib, District Rupnagar, who has been booked for having committed the offences punishable under Sections 120-B, 406, 420, 467, 468 and 506, IPC, in a case arising out of FIR No. 70, dated 27.4.2015, registered at Police Station, City, Rupnagar.

Learned counsel contends that initially the petitioner was amongst the informants, who had reported the matter to the police, but later on the petitioner was nominated as an accused; all the offences for which the petitioner has been booked are triable by learned Judicial Magistrate First Class; after his arrest on 19.9.2015, the investigation qua the petitioner is complete since he is confined in judicial custody; and that the petitioner is neither required nor involved in any other case.

Learned counsel for the State on instructions from ASI Ravinder Singh of Police Station, City, Rupnagar, very fairly concedes that initially the petitioner was amongst the persons who had informed the police regarding commission of the offences of the present case, but later on material emerged showing that the petitioner was in league with the main accused and acting as a middleman between the accused and the aggrieved persons. He, however, fairly concedes that all the offences for which the petitioner has been booked are triable by Judicial Magistrate First Class and he (petitioner) is behind the bars from 19.9.2015.

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

record.

In view of totality of the facts and circumstances of the case, the present petition is accepted. The petitioner, Ashwani Kumar, son of Sita Ram, resident of Village Asmanpur, Police Station, Nurpur Bedi, Tehsil Anandpur Sahib, District Rupnagar, is directed to be released on bail subject to his furnishing bail bonds to the satisfaction of learned Trial Court/Duty Magistrate, Rupnagar.

(NARESH KUMAR SANGHI)
JUDGE

December 4, 2015
Pkapoor