

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

**Criminal Misc. No. M-42215 of 2015
Date of Decision: 17.12.2015**

Harsh Kumar @ Harsh

--Petitioner.

Vs.

State of Punjab

--Respondent.

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Mr. B.R. Rana-I, Advocate
for the petitioner.

Ms. Manpreet Dhaliwal, AAG, Punjab.

RAMESHWAR SINGH MALIK J. (ORAL)

Petitioner seeks bail pending trial in FIR No. 153 dated 28.10.2015 under Sections 61/1/14 of the Excise Act and Sections 420/467/468/471 IPC registered at Police Station Division No.2, Ludhiana.

Learned counsel for the petitioner submits that petitioner is inside the jail since 28.10.2015. He further submits that since the challan has not been presented so far, conclusion of trial will take pretty long time. He concluded by submitting that since the petitioner has been falsely implicated in the present case, he is entitled for the concession of bail pending trial. He prays for allowing the present petition.

On the other hand, learned counsel for the State, on instructions from ASI Kapil Sharma, submits that allegations against the petitioner are direct and serious because of which he is not entitled for bail pending trial. She prays for dismissal of the present petition.

After hearing learned counsel for the parties and careful perusal of record of the case, this Court is of the considered opinion that keeping in view the peculiar facts and circumstances of the case, petitioner has been found entitled for the concession of bail pending trial. It is so said because since report under Section 173 (2) Cr.P.C. is yet to be presented to the learned court of competent jurisdiction, conclusion of trial will take some time. Further, it shall be a debatable issue before the learned trial court as to whether the petitioner actually committed the offence alleged against him or not.

In view of the above and without commenting anything on the merits of the case, lest it should prejudice the rights of either of the parties, instant petition is allowed. Petitioner is directed to be released on bail pending trial on his furnishing adequate bail bonds/surety bonds to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, Ludhiana.

Disposed of, accordingly.

(RAMESHWAR SINGH MALIK)
JUDGE

17.12.2015
AK Sharma