

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

CRM-M-9364 of 2015(O&M)

Date of decision : 14.09.2015

Pankaj Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Arvind Thakur, Advocate for the petitioner.

Ms. Harsimrat Rai, DAG, Punjab
assisted with ASI Lekh Raj

JITENDRA CHAUHAN, J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure (for short, 'the Cr.P.C.') seeking regular bail in case FIR No.51 dated 04.09.2014, registered under Sections 420/415/417/120-B of the Indian Penal Code, (for short, 'the IPS') at Police Station Sadar, District Pathankot.

The learned counsel, inter alia, contends that the petitioner has been falsely implicated in the present case. He submits that no specific date and time of alleged occurrence has been mentioned. The petitioner is in custody since from 24.12.2014 and the offences are triable by the Magistrate. Lastly, he states that co-accused has been

granted regular bail vide order dated 09.03.2015 in CRM-M-7144 of 2015 (Annexure P-3).

On the other hand, the learned State counsel opposes the bail and states that there are specific allegations against the petitioner. He further states that the challan stands presented and out of 21 witnesses, none has so far been examined.

I have heard learned counsel for the parties and perused the record.

Keeping in view the fact that it is a magisterial trial; the challan has been presented and out of 21 witnesses none has been examined so far, therefore, it can be safely inferred that the trial is not likely to be concluded in the near future.

In view of above, without adverting to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail during the pendency of the trial, on his furnishing bail bonds/surety bonds, to the satisfaction of the trial Court.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

14.09.2015

ashok

**(JITENDRA CHAUHAN)
JUDGE**