

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

**CRL. MISC. No.M-19190 OF 2016
DATE OF DECISION : 8th AUGUST, 2016**

Bua Singh

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE A. B. CHAUDHARI

* * * *

Present : Mr. S. S. Goraya, Advocate for the petitioner.

Mr. K. S. Sidhu, Deputy Advocate General, Punjab.

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A. B. CHAUDHARI, J. (ORAL)

The petitioner has filed this second petition under Section 439 Cr.P.C. seeking regular bail in FIR No.17 dated 19.02.2009 registered under Sections 302, 427, 148 and 149 IPC at Police Station Sadar Batala, District Gurdaspur.

Heard learned counsel for the rival parties and perused the FIR.

The petitioner was arrested in this case in February, 2009 and since then he is in jail. Learned counsel for the petitioner submits that the petitioner had applied for bail in the year 2015 with no success and it is only thereafter he has approached this Court for bail by way of present petition. Perusal of the file shows that there is no evidence against the petitioner.

Learned State counsel submits that the case is now posted for judgment after recording statements under Section 313 Cr.P.C.

Learned counsel for the petitioner pointed out that the judgment in this case cannot be delivered in view of the stay order issued by this Court on 16.10.2014 passed in CRR No.3174 of 2014 filed at the behest of complainant-Charanjit Kaur, which is pending in this court today for hearing.

In that view of the matter I have perused the file of CRR No.3174 of 2014 to find out the current position. The counsel for the petitioner-Charanjit Kaur is not present, obviously because the turn of that case has yet to come. Be that as it may. During pendency of the hearing of that application, the present petitioner cannot be denied the relief of bail, since the trial has practically being completed against him.

In view of the above, it would be of no use to detain the petitioner in jail indefinitely. Hence, I make the following order:

ORDER

- (i) The petition is allowed.
- (ii) The petitioner be released on bail to the satisfaction of the CJM/Duty Magistrate, Gurdaspur.

8th AUGUST, 2016
'raj'

(A. B. CHAUDHARI)
JUDGE