

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CRM M-21335 of 2016

Date of Decision: July 12, 2016

Anmol Kasrija

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI.

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Present:- Mr.S.C. Arora, Advocate
for the petitioner.

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M.M.S. BEDI, J. (ORAL)

Petitioner while on bail in a case registered against him under Section 406 IPC in which challan has been presented under Section 408 IPC, apprehends arrest at a stage when the case is fixed for consideration of charges.

Counsel for the petitioner has submitted that the prosecution agency has, on the basis of report under Section 173(2) Cr.P.C., sought framing of charge under Section 409 IPC. It has been urged by counsel for the petitioner that in case the charge is framed under Section 409 IPC, the

petitioner would be arrested as he has got no protection under Sections 438 or 439 Cr.P.C. for offence/charge under Section 409 IPC.

I have heard learned counsel for the petitioner. The petitioner had been granted the concession of regular bail by this Court on June 1, 2016 after having remained in custody for a period of about 4 months.

Notice to Advocate General Punjab.

On the asking of the Court, Ms.H.K. Athwal, DAG, Punjab, accepts notice. Copy given.

Taking into consideration the circumstances of this case, it is apparent that the petitioner after having remained in custody has been granted the concession of regular bail by this Court for an act of alleged misappropriation of stocks of paddy. It will be expedient in the interest of justice that in case the trial Court at the time of framing of charges, if holds an opinion that charge is to be framed under Section 409 IPC, the petitioner will not be taken in custody, however, he will be given a 15 days time to avail the legal remedy available to him in accordance with law, for protecting his liberty in the offence for which the petitioner would be charged.

Disposed of with the above said observations.

July 12, 2016
sanjay

(M.M.S.BEDI)
JUDGE