

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

CRM -M-35241 of 2016 (O&M)

Date of decision: 07.10.2016

Gora Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Rohit Kumar, Advocate for the petitioner.

Mr. Mehardeep Singh, Addl. A.G., Punjab.

Jitendra Chauhan, J. (Oral)

By filing the present petition, under Section 439 of the Code of Criminal Procedure, the petitioner has sought regular bail in FIR No. 13 dated 11.01.2015, registered under Sections 379, 465, 467, 468 and 471 of IPC, at Police Station Kotwali, Bathinda.

It is contended that that initially the FIR was registered under Sections 379 and 411 of IPC on 11.01.2015. The petitioner was apprehended on 09.03.2015 and admitted to bail on 01.04.2015. Subsequently, Sections 465, 467, 468 and 471 of IPC were added and the petitioner was again arrested on 08.08.2016. He is not involved in any other and he has not misused the concession of bail.

On the other hand, the learned State counsel opposes the prayer of bail.

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

It is a matter of fact that the petitioner was initially admitted to bail on 01.04.2015 and was again arrested on 08.08.2016. He is not involved in any other FIR. There is nothing on record to suggest that the petitioner misused the concession of bail. Even, the challan has not been presented under the subsequent added sections, therefore, the Court feels that the petitioner cannot be kept in incarceration, without adverting to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail during the pendency of trial, on his furnishing bail bonds and surety bonds, to the satisfaction of the CJM/Illaq Magistrate/trial Court.

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

07.10.2016
sumit.k

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No