

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

CRM-M-38404-2016 (O&M)

Date of Decision: 22.12.2016

Surinder Singh alias Shinda

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Rahul Rampal, Advocate for the petitioner.

Ms. Shivali, AAG, Punjab for respondent(s)-State

...

SUDIP AHLUWALIA, J

CRM-40818-2016

The petitioner is permitted to place on record the document being (Annexure P-4).

Application is thus disposed of.

CRM-M-38404-2016

Reply by way of affidavit of Saurav Jindal, PPS, Assistant Commissioner of Police (East), Ludhiana, on behalf of respondent-State has been filed. Same is taken on record.

The petitioner surrendered before the trial Court on 12.04.2016. The charge-sheet was subsequently submitted against him on 06.09.2016 on which date he also sought his release by way of statutory bail since the challan against him was not submitted within the requisite 90 days. His application was, however, rejected by the learned Court below on the same day by relying upon a decision of this Court in “Kuldeep Singh Vs. State of Punjab” in CRM-M-31950 of 2010 (O&M) on the premise that initially the

challan was presented against the co-accused persons with a noting that PO proceedings had been initiated against the applicant. It is seen from the noting of the concerned Court's staff at the bottom of the petitioner's bail application in the learned Court below "Annexure P-2" that "challan was not presented and accused Surinder Singh was in judicial custody since 13.04.2016 for (sic) 143 days".

Also Annexure P-4 which has been placed on record today goes to show that it was not mentioned anywhere in the relevant column No.2 of the challan that any PO proceedings had been initiated against the petitioner whose name was mentioned therein, although there was an endorsement to this effect in the detailed narration contained in column No. 6. Be that as it may, the petitioner has now remained in detention for more than 8 months and investigation against him has already been completed. Challan is submitted under Section 307 IPC. Examination of the first prosecution witness is yet to start as stated by Ld. AAG on instruction from SI Gurdev Singh of Police Station Div. No.7, Ludhiana. Co-accused in the case is already on bail. For this reason, the petitioner is now directed to be released on bail, subject to appropriate terms and conditions left to the discretion of the learned trial Court/Duty Magistrate concerned.

Accordingly, this petition stands disposed of.

December 22, 2016
jasmine

(SUDIP AHLUWALIA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
No