

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Criminal Misc. No.M-39490 of 2016
Date of Decision: 11.11.2016

Kuldip Singh @ Kala

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Amandeep Singh Manaise, Advocate
for the petitioner.

Mr. Gurinderjit Singh, DAG, Punjab.

HARI PAL VERMA, J. (Oral)

Prayer in the present petition filed under Section 439 of the Code of Criminal Procedure, 1973 is for grant of regular bail to the petitioner in case FIR No.86 dated 28.9.2011 under Sections 489-A, 489-B, 489-C IPC, registered at Police District Batala, District Gurdaspur.

Learned counsel for the petitioner contends that even though challan in the case was submitted under Sections 489-A, 489-B, 489-C IPC but the charges have been framed only under Section 489-C IPC on 9.3.2012 and the offence under Section 489-C IPC is bailable. He further says that on the basis of supplementary challan, case is now fixed for framing of charge on 15.11.2016. Even otherwise, during the pendency of the present case, the petitioner was on bail, but it is on account of PO order

dated 22.11.2013, the petitioner has been arrested on 28.5.2016 and is in judicial lock up since 29.5.2016.

Learned State counsel has filed custody certificate and does not dispute the aforesaid facts.

I have heard learned counsel for the parties.

Considering the fact that the petitioner has surrendered before the trial Court and before his arrest on 28.5.2016, he was already on bail, coupled with the fact that trial in the case will take sufficiently long time, I deem it appropriate to release the petitioner on bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail, subject to furnishing of his bail bonds/surety bonds to the satisfaction of trial Court/Duty Magistrate, Gurdaspur.

It is made clear that observations made hereinabove shall not be construed as any expression on the merits of the case.

November 11, 2016
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No