

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

CRM-M-40055 of 2016 (O&M)

Date of decision: 20.12.2016

Kulwinder @ Kala

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. P.K. Sharma, Advocate for the petitioner.

Ms. Harsimrat Rai, DAG, 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.152 dated 02.09.2016, registered under Sections 406, 420, 506 and 120-B of IPC, at Police Station Phase-I, SAS Nagar, Mohali.

The learned counsel for the petitioner refers to Annexure P-1 to contend that similar complaint was filed by the complainant before SSP, Chandigarh. The enquiry was conducted by ASP (South) and was concluded on 11.03.2015 wherein it has been specifically noticed that the complainant could not produce any documentary proof in support of her allegations. The matter was found to be a dispute over the money transaction and the competent authority opined that no further action was warranted in the matter. On the same set of allegations, the present FIR

has been registered in the State of Punjab. The petitioner has been repeatedly framed in number of false FIRs, wherein he stands acquitted whereas in FIR No.147 dated 13.10.2007, under Sections 223, 224 of IPC, registered at PS City Rupnagar, he was released on probation and he did not misuse the concession allowed to him. The petitioner is in custody since 03.10.2016.

The above aspect of the matter is not denied by the learned State counsel, however, she states that the petitioner is involved in 05 other FIRs.

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

Considering the fact that the petitioner is in custody since 03.10.2016; the investigation stands concluded; challan has been presented, however, the charges are yet to be framed, therefore, it can be safely inferred that the trial is not likely to be concluded in the near future, 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 trial Court.

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

20.12.2016

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(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :
Whether Reportable :

Yes	No
Yes	No