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

CRM-M-40877 of 2016

Date of decision: December 22, 2016

Sanjeev Tiwari

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE A.B. CHAUDHARI

Present: Mr. Abhishek S. Bhaskar, Advocate for the petitioner.

Ms. Rajni Gupta, Addl. AG Punjab.

Mr. Dharmanshu Sharma, Advocate for
Mr. A.D.S. Sukhija, Advocate for the complainant.

A.B. CHAUDHARI, J (Oral)

Heard learned counsel for the rival parties.

In FIR No.58 dated 17.03.2016, under Sections 306, 406, 420, 120-B of the Indian Penal Code, 1860, registered at Police Station Division No.7 (Vardhman), Ludhiana, the petitioner seeks regular bail. He was arrested on 19.09.2016 and is in jail since then.

The period of three months has already expired. Even if the challan has not been filed, the petitioner is entitled to the benefit of bail under Section 167(2) of the Code of Criminal Procedure, 1973. However, assuming the challan has been filed, the reading of the reasons given by the learned trial Court as well as the FIR, nowhere, prima-facie, shows any remote link with the petitioner.

In that view of the matter, this petition is allowed.

Petitioner be released on bail subject to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned. Petitioner shall not tamper with the prosecution evidence, threaten or exercise any influence on the prosecution witnesses.

(A.B. CHAUDHARI)
JUDGE

December 22, 2016

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Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No