

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

CRM-M-42986-2016

Date of decision: 20.12.2016

Romins Kumar @ Romi

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE GURMIT RAM

Present: Mr. Ashish Bakshi, Advocate
for the petitioner.

Mr.Sumandeep Singh Walia, D.A.G., Punjab.

GURMIT RAM, J. (Oral)

This is the second bail application for the grant of regular bail to petitioner – Romins Kumar @ Romi in case FIR No.158 dated 26.7.2014, under Sections 382 read with Section 34 of the IPC (later on Sections 394, 148 and 149 of the IPC added), registered at Police Station Salem Tabri, District Ludhiana or for correction of the order dated 6.8.2015 (Annexure P-1) passed by this Court.

It has been admitted by learned State counsel that the petitioner was granted the benefit of bail in the case in hand for the offence punishable under Section 384 read with Section 34 of the IPC vide order dated 6.8.2015 (Annexure P-1).

Now it is contended by learned counsel for the petitioner

that at the time of the filing of the first regular bail application, Sections 394, 148 and 149 of the IPC which were added later on in this FIR inadvertently were not mentioned by the counsel for the petitioner. Consequently, the abovesaid sections which were added later on in this FIR were also not mentioned in the order Annexure P1 dated 6.8.2015. Due to non-mentioning of these sections, the petitioner was not released from the custody which necessitated to file the present petition.

It is submitted by learned State counsel that the petitioner was arrested in this case on 26.8.2014. Challan in this case has already been presented. Even charge has also been framed and the matter is now pending for prosecution evidence before the trial Court. Then it is also contended that three of the co-accused of the present petitioner have already been granted the benefit of bail in this case.

No useful purpose would be served by keeping the petitioner behind the bars any more.

In view of the above discussion, without expressing any opinion on the merits of the case, the petition is allowed. Offences under Sections 394, 148 read with 149 of the IPC are ordered to be added in the order dated 6.8.2015 (Annexure P-1). The petitioner be admitted to bail during the pendency of the trial subject to his furnishing bail bonds and surety bonds to the satisfaction of the

learned trial Court/Duty Magistrate, Ludhiana.

This petition stands disposed of accordingly.

20.12.2016
Brij

(GURMIT RAM)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No