

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Criminal Misc. No.M-45450 of 2016
Date of Decision: 23.12.2016

Joginder Singh

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

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

Present:- Ms. Kamlesh, Advocate for
Mr. Parminder Singh, Advocate
for the petitioner.

Mr. Vishal Garg, Addl.A.G., Haryana.

HARI PAL VERMA, J. (Oral)

At the outset, learned counsel for the petitioner states that in the head note as well as in the prayer clause of the petition, there is a typographical error, as the FIR has wrongly been typed to have been registered under Section 395 NDPS Act whereas it has been registered under Section 395 IPC. Learned counsel prays that it be ordered to be corrected to the aforesaid extent.

Ordered accordingly.

Registry is directed to carry out the necessary correction.

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.153 dated 21.4.2016 under Sections 395 IPC registered at Police Station Indri, District Karnal.

Learned counsel for the petitioner argues that the petitioner is 65 years of age and suffering from epilepsy. He is in custody since 17.8.2016. In the instant case, charges have been framed against three other persons who have already been arrested.

On the other hand, learned State counsel, on instructions from ASI Ram Phal does not dispute the custody of the petitioner. However, he submits that the petitioner was present at the scene of occurrence and it is on the basis disclosure statement made by the petitioner, tractor was recovered and thus, he is an accused in this case.

I have heard learned counsel for the parties.

The petitioner, who is 65 years of age, is in custody since 17.8.2016. In the case in hand, charges have been framed. Considering the fact that trial in the case will take long time, this Court finds that the petitioner deserves the concession of regular bail.

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

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

December 23, 2016
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No