

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

**CRM-M-24819-2017 (O&M)
Date of decision: - 25.8.2017**

Gurcharan Singh @ Rinku

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: - HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN.

Present: - Mr. Amaninder Preet, Advocate for petitioner.

Mr. K.S. Sidhu, DAG, Punjab.

ARVIND SINGH SANGWAN, J (ORAL)

This is a petition under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 74 dated 8.5.2009, under Sections 325/323/34 IPC, registered at Police Station Bagha Purana, District Moga (Annexure P-1).

Learned counsel for the petitioner submits petitioner was on bail and could not appear on 19.1.2011 and thereafter, he was declared proclaimed offender on 22.11.2011. It is further submitted that later on trial of the co-accused of the petitioner was concluded and they were acquitted vide judgment dated 16.4.2012 (Annexure P-2). He further submits that petitioner was arrested in this case on 1.11.2016 and since, then he is in judicial lockup and has already undergone more than 9 months.

Learned counsel for the petitioner further submits that the offences are triable by the Court of Magistrate and will take long time in conclusion of the trial.

Keeping in view the fact that co-accused of the petitioner have already been acquitted and the petitioner has already undergone 9 months of actual sentence, present petition is allowed. Petitioner is directed to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of trial Court which will be subject to payment of cost of ₹ 15,000/- as costs for delaying the proceedings to be deposited with the District Legal Services Authority, Moga.

However, it will be open for the prosecution to apply for cancellation of bail in case the petitioner is found involved in any other subsequent case or found misusing concession of bail.

(ARVIND SINGH SANGWAN)
JUDGE

25.8.2017
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Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No