

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

Crl. Misc. 35631 of 2017 in/and
Crl. Misc. M-27884 of 2017(O&M)
Date of Decision: November 16, 2017

Sher Singh alias Shamsher Singh alias Shera

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Aashish Aggarwal, Advocate
for the applicant-petitioner.

Mr. Davinder Bir Singh, DAG Punjab.

JAISHREE THAKUR, J. (Oral)

CRM-35631-2017

This application has been preferred for making correction in the head note and prayer clause of the petition by adding Section 354 of Indian Penal Code, which has been added subsequently in the final report presented before the concerned court.

For the reasons mentioned in the application, the same is allowed.

Registry is directed to carry out the necessary correction.

Main case

The instant petition has been filed under Section 439 Cr.P.C.
for grant of regular bail to the petitioner in case FIR No.76 dated

05.07.2017, under Sections 354, 354(B), 354(D) of Indian Penal Code, registered at Police Station Kathu Nangal, District Amritsar Rural.

Learned counsel for the petitioner contends that the petitioner herein was taken into custody in the aforesaid FIR on 06.07.2017. It is argued that a reading of the FIR would show that the complainant had developed relations with the petitioner and it is when her husband came to know about this, the petitioner is falsely implicated in the present case. It is argued that after completing the investigation, challan has been presented and charges have been framed, therefore, the petitioner is entitled to be enlarged on bail.

Per contra, learned counsel appearing on behalf of respondent-State, on instructions from Investigating Officer, opposes the grant of regular bail, while submitting that charges have already been framed.

I have heard learned counsel for the parties.

Since, the trial is likely to take some time and in view of the facts that after completing the investigation, challan has been presented and charges have been framed, no useful purpose would be served in keeping the petitioner behind bars. At this stage, without commenting on the merits of the case, the instant petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal bond and surety bond to the satisfaction of concerned trial Court/Duty Magistrate.

November 16, 2017
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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No