

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

CRL. MISC. No.M-28321 OF 2017
DATE OF DECISION : 27th SEPTEMBER, 2017

Balwinder Kumar

.... Petitioner

Versus

State of Punjab

.... Respondent

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

* * * *

Present : Mr. Bhanu Pratap Singh, Advocate for the petitioner.

Mr. Ramandeep Sandhu, Sr. D.A.G. Punjab.

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A. B. CHAUDHARI, J. (ORAL)

The petitioner has filed the present petition under Section 439 Cr.P.C. seeking regular bail in FIR No.46 dated 12.05.2015 registered under Sections 420 and 406 IPC at Police Station Chabbewal, District Hoshiarpur.

Heard learned counsel for the rival parties.

Learned State counsel submits that no other similar case is reported against the petitioner except for one case under the NDPS Act.

The petitioner is in jail from 11.04.2017. The offences are triable by the Magistrate. The challan has already been filed before the concerned Court.

Learned counsel for the petitioner, on the asking of the Court, makes a statement that the petitioner will file undertaking on affidavit that he would not indulge in any type of offence and would also submit a copy of the affidavit to the concerned Police Station.

In my opinion, since the trial is to be held before the Magistrate and looking to the period of detention of the petitioner and the further fact that the petitioner has no other case to his credit of similar nature and is ready to file undertaking as aforesaid, I am inclined to grant bail to the petitioner.

In that view of the matter, I make the following order:

ORDER

- (i) The CRL. MISC. No.M-28321 OF 2017 is allowed.
- (ii) The petitioner is ordered to be released on bail to the satisfaction of the concerned CJM/Duty Magistrate.
- (iii) The petitioner shall report to the police station concerned on every Monday, Wednesday and Sunday from 11.00am to 4.00pm in addition to appearing before the trial Court on the dates fixed there.
- (iv) The petitioner shall give undertaking to the police as aforesaid that he will not indulge in such type of offence in future within two weeks from the date of his release.
- (v) In case of violation of the above condition on the part of the petitioner, the liberty is reserved in favour of the State to apply for cancellation of bail.

27th SEPTEMBER, 2017
'raj'

(A. B. CHAUDHARI)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>