

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

**CRM-M-34602-2017 (O&M)
Date of decision: - 21.9.2017**

Rakesh Kumar

.....Petitioner

versus

State of Punjab

.....Respondent

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

Present: - Mr. Surinder Thakur, Advocate for the petitioner.

Mr. Kirat Singh 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. 49 dated 12.5.1997, under Sections 395 IPC, registered at Police Station Mukerian, District Hoshiarpur.

Learned counsel for the petitioner submits that the present FIR pertains to the year 1997 and four of the co-accused namely - Girdhari Lal, Dhian Chand, Rakesh Kumar and Pahri have already been acquitted by the trial Court vide order dated 28.9.2004 (Annexure P-4), holding that prosecution has failed to prove the charge against the accused. He further submits that petitioner was declared proclaimed offender and was arrested on 27.7.2017.

It is further submitted that no recovery has been effected from the petitioner; he is not involved in any other criminal case and is no more required for further investigation.

Learned State counsel, on instructions from ASI Salwinder Singh, has not disputed the factual position, however, has opposed the bail on the ground that other co-accused are yet to be arrested.

Without commenting upon merits of the case, present petition is allowed. Petitioner is directed to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Hoshiarpur with two sureties of the like amount.

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

21.9.2017
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Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No