

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

CRM-M-36088-2017 (O&M)

Date of decision : 03.10.2017

Jagir Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. H.S. Mavi, Advocate,
for the petitioner.

Mr. H.S. Grewal, Addl.A.G., Punjab,
assisted by HC Nirmal Singh.

JITENDRA CHAUHAN, J. (Oral)

The instant petition has been filed under Section 482 read with Section 437(6) of the Code of Criminal Procedure (for short, 'the Cr.P.C.') seeking bail in case FIR No.134 dated 13.09.2013, registered under Sections 406, 420, 465, 467, 471, 472, 474 and 120-B of the Indian Penal Code, at P.S. Phase-11, SAS Nagar, Mohali.

Learned counsel refers to Section 437(6) Cr.P.C. to contend that the trial has not been concluded within 60 days from the date first fixed for taking evidence, therefore, he is entitled to be released on bail.

On the other hand, learned State counsel, on instructions submits that out of 20 prosecution witnesses, 04 have already been examined. The petitioner is involved in three more similar FIRs.

Heard.

Section 437(6) Cr.P.C. reads as under:-

“437. When bail may be taken in case of non-bailable offence.

(1) to (5) xx xx xx

(6) If, any case triable by a Magistrate, the trial of a person accused of any non bailable offence is not Concluded within a period of sixty days from the first date fixed for - taking evidence in the case, such person shall, if he is in custody during the whole of the said period, be released on bail to the satisfaction of the Magistrate, unless for reasons to be recorded in writing, the Magistrate otherwise directs.

(7) xx xx xx”

A perusal of the aforesaid provision reveals that the petitioner is not having an indefeasible right to be released on bail, rather, the same is a qualified right subject to the satisfaction of the Magistrate concerned. Learned Court below has recorded valid reasons for declining bail to the petitioner.

This is the second bail petition moved by the petitioner. No change of circumstances in favour of the petitioner has been elicited. Moreover, keeping in view the antecedents of the petitioner, this Court does not find any ground to release him on bail.

In view of the above, the instant petition is hereby dismissed.

However, nothing noticed hereinabove shall be construed as an

expression of opinion of the Court on the merits of the case.

03.10.2017
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(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No