

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

**Crl. Misc. No.M-36749 of 2017 (O&M)
Date of Decision: October 06, 2017.**

Gian Singh

.....PETITIONER(s).

VERSUS

State of Punjab

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. H.S. Dhaliwal, Advocate
for the petitioner (s).

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 59 dated 28.07.2016 registered for the offences punishable under Sections 341, 323, 506, 302(added and later on removed) and 304 of Indian Penal Code (for short-IPC), at Police Station Kheri Gandian, District Patiala.

Heard.

Notice of motion.

On asking of the court, Mr. C.L. Pawar, Sr. D.A.G., Punjab, who is present in the Court accepts notice and submits that intimation by Registry informing of fixation of the petition has already been received and record of the case is available with him.

Learned counsel for the petitioner submits that challan against

the petitioner was presented for the offences punishable under Sections 304

and 506 IPC and he was charge-sheeted for these offences vide order dated 01.03.2017. His application for regular bail was allowed vide order dated 21.09.2017 passed in CRM-M-12172 of 2017. Despite bail order, petitioner was not released by the jail authorities as in the jail warrants, there is reference of offences punishable under Sections 341, 323, 506, 302 read with Section 34 IPC. Thereafter, petitioner moved an application before Additional Sessions Judge, Patiala for rectification of the custody warrants but his application was disposed of without passing any effective order in it. In support of his contention, learned counsel for the petitioner has shown me copy of final report submitted by the police after completion of investigation and the copy of charge-sheet.

Copy of charge-sheet is taken on record as Annexure P-4.

Learned State counsel also submits that challan against the petitioner has been presented for the offences punishable under Sections 304 and 506 IPC and he has also been charge-sheeted for these offences.

Vide order dated 21.09.2017 passed in CRM-M-12172 of 2017, the petitioner has already been allowed regular bail for the offences punishable under Sections 304 and 506 IPC, as such, this second application seeking regular bail is not maintainable. However, the fact that petitioner has not been released despite being granted regular bail is a matter to be seen by the District and Sessions Judge, Patiala, who after perusing the case file and relevant record, will send his report.

It appears that the jail warrants were prepared at the time the petitioner was arrested and produced in the Court. The offences were mentioned in the jail warrants as per the FIR, which was registered for the

offences punishable under Sections 341, 323, 506, 302 read with Section 34 IPC. After the presentation of challan and framing of charge, the jail warrants appeared to have not been rectified. Direction is issued to the trial Court to immediately rectify the jail warrants and issue the release order of the petitioner, on the basis of bail bond and surety bond already furnished on behalf of petitioner, by giving specific direction to the Jail Superintendent that the petitioner is facing trial for the offences punishable under Sections 304 and 506 IPC for which he has been charge-sheeted on 31.03.2017.

With these observations, this petition stands disposed of.

Copy of this order be conveyed to the District and Sessions Judge, Patiala through fax for compliance.

October 06, 2017
Sachin M.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned: ***Yes/No***

Whether Reportable: ***Yes/No***