

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-40928 of 2017
Date of Decision: 09.11.2017

Om Parkash

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Vaibhav Narang, Advocate
for the petitioner.

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.56 dated 08.03.2017 registered for offences punishable under Sections 177, 200, 420, 465, 467, 468, 471 read with Section 120-B of Indian Penal Code (for short, "IPC") at Police Station Division no. 5, District Police Commissionerate Ludhiana.

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 the police after completion of investigation has presented the challan and the petitioner is in custody for the last about three months.

Learned State counsel submits that the petitioner was not

named in the FIR but during investigation it was found that he had identified the person furnishing surety bond in the Court as *Nambardar* of village Haibowal Kalan, District Ludhiana. On verification, it was found that identity card, which he produced in support of his contention that he is *Nambardar* of village, was fake one. The investigation in this case is, however, complete and challan against the petitioner has been presented.

Keeping in view the period of incarceration of petitioner and that the challan has been presented against him in Court, where conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Om Parkash is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- (a) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.
- (c) He shall not leave the country without the previous permission of the Court.

November 09, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No