

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

**Criminal Misc. No. M-10156 of 2018
Date of decision: 30.07.2018**

Bohar Singh

..Petitioner

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Mr. Vikas Sonak, Advocate
for the petitioner.

Ms. Rashmi Attri, AAG, Punjab
for the respondent -State.

Daya Chaudhary, J. (Oral)

This is the second petition filed by the petitioner-Bohar Singh under Section 439 Cr.P.C. for grant of regular bail in case FIR No.149 dated 03.10.2017 registered under Sections 489-A, 489-B and 489-C IPC at Police Station Kulgari, District Ferozepur.

Learned counsel for the petitioner submits that the FIR was registered on the basis of secret information and the petitioner was not named in the FIR and he has been implicated in the case on the basis of disclosure statement made by his co-accused, which is not admissible in evidence. Learned counsel for the petitioner further submits that co-accused of the petitioner, namely, Manjit Singh was arrested from the spot and he nominated accused-Dalbir Singh, who has been released on regular bail by this Court vide order dated 24.07.2018 in Criminal Misc. No. M-28055 of 2018. The petitioner is in custody since 05.10.2017. The challan has been

presented and all witnesses are police officials. There is no possibility that the petitioner may influence the witnesses. Learned counsel also submits that co-accused of the petitioner, namely, Manjit Singh, has approached this Court by way of filing Criminal Misc. No. M-43806 of 2017 and he has been released on regular bail vide order dated 28.02.2018. The trial may take time to conclude and no purpose would be served by keeping the petitioner in custody.

Learned State counsel has not disputed the custody period as well as the release of co-accused on regular bail by this Court.

Heard arguments of learned counsel for the petitioner as well as learned State counsel and have also perused the contents of the FIR and other documents available on the file.

In view of the submissions made by learned counsel for the petitioner and by considering that the petitioner is in custody since 05.10.2017; his co-accused, namely, Manjit Singh has been released on regular bail by this Court; the trial may take time to conclude; no purpose would be served by keeping the petitioner in custody and all witnesses are police officials and there is no possibility that the petitioner may influence the witnesses, the present petition is allowed and the petitioner (Bohar Singh) is directed to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court.

30.07.2018
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(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned Yes

Whether Reportable Yes