

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

**CRM-M No.13036 of 2018
Decided on: 24.04.2018**

Balraj Singh @ Pardeep Kumar

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. A.S. Gill, Advocate
for the petitioner.

Ms. Samina Dhir, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner in FIR No.173 dated 17.09.2016, for offence punishable under Sections 420 and 120-B of the Indian Penal Code (in short 'IPC'), registered at Police Station Tarn Taran, District Tarn Taran and for setting-aside the order dated 01.09.2017 passed by the Chief Judicial Magistrate, Tarn Taran (Annexure P2) and order dated 10.01.2018 passed by the Additional Sessions Judge, Tarn Taran (Annexure P4) vide which the bail application of the petitioner was dismissed.

Counsel for the petitioner has submitted that the petitioner is in judicial lock up since 19.10.2016, the investigation is complete and till date no prosecution witness has been examined, though, the charges were framed on 19.12.2016. Counsel for the petitioner has also submitted that conclusion of the trial is likely to take some time and the offences are triable by the Court of Magistrate.

Counsel for the State, on instructions from ASI Gurdial Singh, has not disputed the factual position but opposed the prayer for bail.

Without commenting anything on merits of the case and considering the fact that the offences are triable by the Court of Magistrate; the investigation is complete; conclusion of the trial is likely to take some time and also in view of the fact that no prosecution witness has been examined so far, this petition is allowed, the order dated 01.09.2017 passed by the Chief Judicial Magistrate, Tarn Taran and order dated 10.01.2018 passed by the Additional Sessions Judge, Tarn Taran are set-aside and the petitioner is ordered to be released on bail subject to furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail, if the petitioner is found misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

24.04.2018
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Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No