

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Sr. No.210

CRM-M-21731-2018

Date of decision : 13.09.2018

Harpreet Singh

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. K.B. Radheja, Advocate, for the petitioner.

Mr. K.S. Sidhu, DAG, Punjab.

SUDHIR MITTAL, J. (Oral)

The petitioner seeks regular bail in case FIR No.35 dated 05.08.2003, registered at Police Station Hambran, District Ludhiana, under Sections 307, 450, 336, 323, 324, 325, 148 and 149 IPC and Section 25 of the Arms Act, 1959.

Learned counsel for the petitioner submits that the co-accused of the petitioner have been acquitted of the offence under Section 325 IPC. They have only been convicted under Section 323, 324, 506, 148 and 149 IPC. The main co-accused has been sentenced to undergo RI for a period of three years. The petitioner was not tried alongwith co-accused as he was a proclaimed offender.

As on date, the petitioner has undergone actual incarceration in excess of three ears and therefore, he should be released on bail as he has already undergone incarceration for a period longer than the maximum sentence imposed upon the main accused.

Custody certificate dated 13.09.2018, by way of affidavit of affidavit of Sukhwinder Singh, PPS, Superintendent, Central Jail, Bathinda, has been filed by the learned State counsel in Court today and the same is

taken on record. According to this certificate, the petitioner has undergone

actual custody of four years, six months and twenty nine days inclusive of periods of custody in other pending cases. In the present case, after his re-arrest, the petitioner has undergone actual custody of one year, four months and two days.

Keeping in view the totality of the facts of this case, I deem it appropriate to allow this petition. Accordingly, the petition is allowed and the petitioner-Harpreet Singh, is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the trial Court concerned.

(SUDHIR MITTAL)
JUDGE

13.09.2018
Ramandeep Singh

Whether speaking / reasoned
Whether Reportable

Yes / No
Yes/ No