

210/2 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

HEMLATA
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CRM-M-28261-2017 (O&M)

Date of decision: 16.08.2018

Deepak Kumar @ Deepu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Chandan Singh Rana, Advocate for the petitioner.

Mr. K.S.Aulakh, DAG, Punjab.

Mr. N.S.Malmajra, Advocate for the complainant.

RAJBIR SEHRAWAT, J. (ORAL)

CRM-22641-2018

Prayer in this application is for amending the head note of the main petition by inserting the Sections 395/397 of IPC and grant of regular bail to the applicant/petitioner for the offences under Sections 395/397 IPC.

For the reasons stated in the application, the same is allowed. Sections 395/397 of IPC are added in the head note of the main petition. Registry is directed to make the necessary correction in the main petition.

CRM-M-28261-2017

Prayer in this petition is for grant of bail pending trial in case FIR No. 147 dated 04.11.2016 under Sections 392, 395, 397, 34 of IPC and Section 394 of IPC added later on, registered at Police Station Dugri, District Ludhiana.

Learned counsel for the petitioner submits that admittedly, the name of the petitioner is not mentioned in the FIR. The name of the petitioner has been sought to be involved in the case only on the basis of the subsequently concocted statement of the alleged eye witness, which was recorded after about 20 days of the alleged occurrence. He further submits that the injured has been examined before the Court as a witness and he has not supported the version given in this case. Other argument of learned counsel for the petitioner is that the petitioner is in

custody since 27.11.2016 and out of total 29 prosecution witnesses, only 12 witnesses have been examined so far. Therefore, the trial is likely to take long time to conclude the trial. Still further, counsel for the petitioner contends that two co-accused of the petitioner, having similar allegations, have already been granted bail by this Court vide orders dated 13.02.2017 passed in CRM-M-3978-2017 and vide order dated 23.03.2017 passed in CRM-M-5962-2017.

On the other hand, learned State counsel, being instructed by ASI Harmesh Singh, submits that the trial is now proceeding in the right earnest. However, the custody of petitioner as well as non-examination of the remaining witnesses have not been disputed by the State counsel. It is also not disputed that the co-accused of the petitioner have been granted bail by this Court.

Without expressing any opinion on the merits of the case, considering the facts that the petitioner is in judicial custody since 27.11.2016; the trial is likely to take some time, the present petition is allowed. The petitioner is ordered to be released on bail pending trial subject to his furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate, concerned.

(RAJBIR SEHRAWAT)
JUDGE

16.08.2018
Hemlata

Whether speaking/reasoned	Yes / No
Whether reportable	Yes / No