

CRM-M-31702-2018

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

CRM-M-31702-2018

Date of Decision: 29.08.2018

Deepeash Kumar Kharka

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Ravi Malhotra, Advocate,
for the petitioner.

Ms. Monika Jalota, DAG, Punjab.

INDERJIT SINGH, J. (Oral)

Petitioner has filed this second petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.185 dated 17.10.2011, registered at Police Station Division No.1, District Jalandhar, under Section 306 read with Section 34 of the Indian Penal Code.

Notice of motion has been issued. Learned State counsel has appeared and contested the instant petition.

I have heard learned counsel for the petitioner as well as learned State counsel and gone through the record.

As per the facts of case, FIR has been registered on 17.10.2011 under Section 306 read with Section 34 IPC. The petitioner was earlier not challaned by the police. When evidence was produced

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before the trial Court qua co-accused, then it was found that there is one another accused also involved in the offence. The present petitioner was arrested/apprehended on 02.02.2018. There is no allegation that he absconded from the process of law and was declared proclaimed offender. It has also been brought into notice of this Court that after the arrest of the present petitioner, trial qua co-accused remained continued; the case was decided by the trial Court and co-accused was acquitted.

The petitioner has been in custody since 02.02.2018. He is not required for any investigation or interrogation purposes as he is in judicial custody. The trial of the case will take long time. No useful purpose will be served by keeping him in custody till the final disposal of the case.

Keeping in view the facts and circumstances of the present case; without discussing the facts in minute detail and without expressing any opinion on the merits of the case, this criminal miscellaneous petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal bonds in the sum of ₹50,000/- with one surety in the like amount to the satisfaction of the trial Court/Duty Magistrate.

29.08.2018

parveen kumar

**(INDERJIT SINGH)
JUDGE**

Whether speaking/reasoned	:	Yes
Whether reportable	:	No