

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

**Criminal Misc. No. M-37514 of 2018
Date of decision: 12.11.2018**

Subhash Kumar and another

..Petitioners

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Mr. Rishabh Gupta, Advocate
for the petitioners.

Mr. Amit Mehta, Sr. DAG, Punjab
for the respondent -State.

Daya Chaudhary, J.

Petitioners, namely, Subhash Kumar and Jagdish Kumar, have approached this Court by way of filing the present petition under Section 439 Cr.P.C. for grant of regular bail to them in case FIR No.132 dated 28.04.2018 registered under Sections 269, 420, 467, 468, 471 read with Section 120-B IPC at Police Station Division No.5, Ludhiana during pendency of the trial.

Learned counsel for the petitioners submits that the petitioners have falsely been implicated in the case whereas they were not involved in commission of offence. The petitioners were employees of co-accused, namely, Sarwan Kumar, who is owner of Diagnostic Centre and has been released on regular bail by this Court vide order dated 18.08.2018 passed in Criminal Misc. No. M-26179 of 2018. The petitioners are in custody since 28.04.2018 and trial may take sufficient time to conclude. No purpose

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would be served by keeping them in custody. Learned counsel also submits that the offence is triable by the Magistrate. In other case of similar nature, cancellation report has been filed by the Police.

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

Heard arguments of learned counsel for the petitioners 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 petitioners that the petitioners are in custody since 28.04.2018; the fact that co-accused, namely, Sarwan Kumar has been released on regular bail by this Court; challan has been presented and offence is triable by the Magistrate; the trial may take time to conclude; no purpose would be served by keeping the petitioners in custody, the present petition is allowed and petitioners, namely, Subhash Kumar and Jagdish Kumar are directed to be released on regular bail subject to their furnishing bail/surety bonds to the satisfaction of the trial Court.

12.11.2018
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(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned

Yes

Whether Reportable

No