

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-46345 of 2017
Date of Decision: 20.09.2018

Abdul Rashid Khoja

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Lakhwinder Singh Lakhanpal, Advocate
for the petitioner.

Mr. Ramandeep Sandhu, Sr. DAG, Punjab.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.48 dated 09.04.2016 registered for offences punishable under Sections 302/201/120-B/148/149 of Indian Penal Code (for short, "IPC") at Police Station Mehatpur, District Jalandhar.

Heard.

Learned State counsel submits that material witness against the petitioner, namely, Jagir Singh, before whom he had made extra-judicial confession, while appearing as PW-4 has not supported the prosecution version. Statement of complainant has also been recorded, who is not an eye-witness in this case. The petitioner was arrested on 11.04.2016 and 8 out of 20 witnesses have been examined so far.

In view of submission of learned State counsel but without expressing any opinion on merits of the case and keeping in view the fact that conclusion of trial will take considerably long time, the present petition

is allowed. Petitioner-Abdul Rashid Khoja is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- (a) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.
- (c) He shall not leave the country without the previous permission of the Court.

September 20, 2018
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No