

109/210

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-44584-2018 in/and
CRM-M-53251-2018 (O&M)
Date of decision : 20.12.2018

Gursewak Singh @ Sewak

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. A.S. Mann, Advocate for applicant-petitioner.

Mr. Karanbir Singh, AAG, Punjab

1. *Whether the Reporters of local newspaper may be allowed to see the judgment ?*
2. *To be referred to the Reporter or not.*
3. *Whether the judgment should be reported in the digest ?*

KULDIP SINGH J. (ORAL)

CRM-44584-2018

Application is allowed. Statements of the prosecution witnesses, charge sheet and bail orders of the other co-accused persons are taken on record as Annexures P-2 to P-6.

Disposed of.

CRM-M-53251-2018

Heard.

This is a petition filed under Section 439 of the Code of Criminal Procedure for grant of regular bail in case FIR No. 54 dated 20.4.2018 under Section 392 of the Indian Penal Code and Section 25 of the Arms Act, 1959 (Annexue P-1), registered at Police Station Bhikhi, District Mansa in which Section 411 of the Indian Penal Code was added later on. Charges have been framed under Section 395 and 399 of the Indian Penal Code and Section 25 of the Arms Act.

Petitioner was arrested on 20.4.2018. A *kirch* was recovered from the custody of the petitioner. In this case challan has been presented and charges have been framed. Two PWs have also been examined.

Learned State counsel on instructions from ASI Malkit Singh, contends that information regarding registration of a fresh case under Section 376 of the Indian Penal Code is incorrect as was stated on last date. There are two cases registered against the present petitioner i.e., one under Section 379 of the Indian Penal Code and 61 of the Central Excise Act, 1944.

Considering the fact that trial will take time, there is no ground for further detention of the petitioner. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing personal bonds in the sum of Rs. 50,000/- with one surety of the like amount to the satisfaction of the trial Court/Duty Magistrate concerned subject to following conditions: -

- (1) Petitioner shall surrender his passport before the trial Court, if any, and shall not leave the country without prior intimation to the Court;
- (2) Petitioner shall not directly or indirectly give any inducement or threat or promise to any witness and
- (3) Petitioner shall attend the Court on each and every date of hearing before the trial Court and in case of his absence, trial Court shall be competent to cancel his bail.

Petition stands allowed accordingly.

(KULDIP SINGH)
JUDGE

20.12.2018
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