

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

CRM-M-5347 of 2018

Date of Decision: 14.02.2018

Gulab Singh

....Petitioner

Versus

State of Haryana

....Respondent

CORAM:HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Paramjit Singh Sullar, Advocate
for the petitioner.

Mr. Vikas Malik, DAG, Punjab.

MAHABIR SINGH SINDHU, J.(Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.115 dated 08.09.2017 registered under Section 308 of the Indian Penal Code at Police Station Nathu Sarai Chopta, District Sirsa.

It is contended by learned counsel for the petitioner that as per the allegation of the prosecution, the present petitioner as well as the deceased consumed liquor on 04.09.2017 at 9.00 p.m. and son of the petitioner namely, Ishwar received information that his father-Satbir was lying in injured condition on the road leading from Shakar Mandori to Nehrana Road alongwith his motrocycle and Gulab Singh was also standing there. It is further alleged that on arrival of the Krishan, Gulab Singh left for village Shakar Mandori on his motorcycle and thereafter after four days the FIR was registered on 08.09.2017. It is further contended that the petitioner is in custody since 12.12.2017 and report under Section 173 Cr.P.C. has already

been submitted. Charges are yet to be framed in this case. It is also submitted that nothing is to be recovered from the petitioner and his further custody will not serve any purpose.

The above factual position is duly acknowledged by learned State counsel on instructions from ASI Gajender Singh.

Heard learned counsel for the parties and perused the paper book.

In view of the fact that report under Section 173 Cr.P.C. has been filed and no recovery is to be made from the petitioner and even charges are yet to be framed. Therefore, no useful purpose would be served by keeping the petitioner behind the bars any more. In view of the abovesaid circumstances, without expressing any opinion on the merits of the case, this petition is accepted. Petitioner-Gulab Singh be admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of the learned trial Court.

[MAHABIR SINGH SINDHU]
JUDGE

February 14, 2018
rashmi

Whether speaking/reasoned
Whether reportable?

yes/no
yes/no