

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

CRM-M No.8990 of 2018

Date of decision : 12.09.2018

Kala Singh

.....Petitioner

Versus

State of Punjab

...Respondent

CORAM : HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present : Mr. Veneet Sharma, Advocate for the petitioner.

Ms. Rashmi Attri, AAG, Punjab.

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DAYA CHAUDHARY, J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to petitioner Kala Singh in case FIR No.171 dated 15.07.2003 under Sections 392, 342, 506, 34 of the Indian Penal Code, 1860 registered at Police Station Chhehrata, Amritsar City, Distt. Amritsar.

Learned counsel for the petitioner submits that the petitioner was on bail and he remained absent on 04.10.2010. Co-accused of the petitioner namely Lakhbir Singh alias Lakha, who faced the trial, has been acquitted of the charges by learned trial Court vide judgment dated 21.11.2011. Petitioner is in custody for the last more than one year and similar evidence is there against him, on the basis of which he is also likely to be acquitted.

Learned State counsel has not disputed the period of custody undergone by the petitioner and acquittal of the co-accused.

By considering the submissions made by learned counsel for the petitioner and keeping in view the fact that co-accused of the petitioner namely Lakhbir Singh alias Lakha has already been acquitted of the charges by the trial Court, petitioner was on bail but he remained absent and, thereafter, he was arrested and now he is in custody for the last more than one year, no purpose would be served by keeping him in custody.

Accordingly, present petition is allowed and the petitioner is directed to be released on regular bail on furnishing bail/surety bonds to the satisfaction of the trial Court.

12.09.2018

sunil yadav

**(DAYA CHAUDHARY)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No