

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

CRM-M-54750-2018
Date of decision: 17.12.2018

Gurdev Singh @ Gurbhej Singh and another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Prabhdeep Singh Bhatia, Advocate
for the petitioners.

Mr. Sidakmeet Sandhu, AAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioners in case FIR No. 268 dated 25.11.2017, registered under Sections 420 and 120-B of the IPC (Sections 467, 468 and 471 of the IPC added later on) at Police Station Bhikhiwind, District Tarn Taran.

Learned counsel for the petitioners submits that both the petitioners were arrested after the registration of the FIR and were granted regular bail, vide order dated 07.06.2018 and 30.03.2018 (Annexures P-2 and P-3).

Learned counsel for the petitioners further submits that thereafter the police submitted the challan and carried out the further investigation and submitted a supplementary challan under Section 173(8) Cr.P.C. In the supplementary challan, the police has added Sections 467, 468 and 471 of the IPC and on the basis of the same, the petitioners were

again arrested.

Learned counsel for the petitioners further submits that the offences are still triable by the Court of a Magistrate and both the petitioners, after having been re-arrested, are in judicial custody since 15.10.2018 and conclusion of the trial is likely to take some time.

Learned State counsel, on instructions from ASI Charanjit Singh and on the basis of the custody certificates, filed in Court today, has not disputed the factual position.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the facts that the petitioners were earlier granted concession of regular bail by the trial Court and thereafter, they have been re-arrested after addition of the aforesaid sections in the supplementary challan; they are not involved in any other case and also in view of the fact that conclusion of the trial is likely to take some time, the instant petition is allowed. The petitioners are ordered to be released on regular bail on their furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

December 17, 2018

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No