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

CRM-M-548 of 2019 (O&M)

Date of decision: September 17, 2019

Boota Ram

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Vishavjeet Singh Rishi, Advocate for the petitioner.

Mr. H.S. Multani, AAG Punjab.

MAHABIR SINGH SINDHU, J (Oral)

Present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 (for short 'Cr. P.C.') for grant of bail pending trial to the petitioner, in FIR No.53 dated 05.05.2018, under Sections 399, 402 of Indian Penal Code, 1860 (for short 'IPC') (Sections 201, 411, 482 of IPC added later on) and Section 25 of the Arms Act, 1959, registered at Police Station Lambran, District Jalandhar (Punjab).

As per prosecution case, petitioner and his co-accused are habitual of committing serious offences and a *datar* has been recovered from his possession, in the present case.

Contentends that the petitioner is in custody since 09.05.2018 and after investigation, challan has already been submitted before the Court of competent jurisdiction. Also contends that charges are yet to be framed and the co-accused, namely Jaskirat Singh @ Jassi, with similar allegation, has already been granted concession of bail pending trial vide

order dated 02.11.2018 passed by this Court.

The above factual position is duly acknowledged by learned State counsel, on instructions from Assistant Sub Inspector Kirpal Singh.

Heard both sides and perused the paper-book.

Since the petitioner is in custody since 09.05.2018, co-accused of the petitioner, namely Jaskirat Singh @ Jassi, with similar allegation, has already been granted concession of bail pending trial by this Court and charges are yet to be framed; thus, the trial will take sufficient long time. Therefore, further incarceration of the petitioner would not serve any purpose.

In view of the above, this petition is allowed. Petitioner is ordered to be released on bail, in this case, on his furnishing adequate bail bonds and surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned.

The above observations may not be construed as an expression of opinion on the merits of the case.

The petitioner shall fully co-operate with learned trial Court without seeking any unnecessary adjournments.

(MAHABIR SINGH SINDHU)
JUDGE

September 17, 2019
mahavir

Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No