

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-1952-2019 (O&M)

Date of decision:22.01.2019

Arif Khan

.....Petitioner

versus

State of Punjab

....Respondent

CORAM: Hon'ble Mr. Justice Kuldip Singh

Present: Mr. Saqib Ali Khan, Advocate for the petitioner.

Mr. Karanbir Singh, AAG, Punjab.

Kuldip Singh, J. (Oral)

This order shall dispose of the petition filed under Section 439 of the Code of Criminal Procedure for grant of regular bail in case FIR No.10 dated 26.01.2014 (Annexure P-1) under Sections 307/458/323/324/148/149 of the Indian Penal Code, registered at Police Station Amargarh, District Sangrur, Punjab.

It comes out that allegations against the petitioner are that he along with co-accused entered in the house of the complainant and caused injuries to him. It also comes out that main injury given on the right side of chest of the complainant is attributed to one Dilawar Khan. Petitioner was alleged to be carrying *soti* and a *soti* blow was given on the body of the complainant.

On instructions from ASI Sukhwinder Singh, learned State counsel has fairly conceded that after investigation, petitioner was declared

innocent, however, the Court summoned him as an additional accused on an application filed under Section 319 Cr.P.C. Since the petitioner did not appear, he was declared proclaimed offender. He was arrested on 01.11.2018 and is in custody since then. Now supplementary challan has been presented and the co-accused is stated to have since been convicted but appeal is pending.

Considering the entire circumstances and the fact that the petitioner was declared innocent by the police and the disposal of the 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 Chief Judicial Magistrate, concerned, subject to the 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.

Accordingly, the petition stands allowed.

(KULDIP SINGH)
JUDGE

22.01.2019
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Whether speaking/ reasoned:	Yes
Whether Reportable:	No