

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

**CRM-M No.3302 of 2019 (O&M)
Date of Decision:.29.01.2019**

Raghubir Singh Petitioner

Versus

State of PunjabRespondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Gautam Dutt, Advocate for the petitioner.
Mr.C.L.Pawar, Sr.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 bail pending trial to the petitioner in case FIR No.138 dated 30.10.2018, under Sections 420,465,272 of the Indian Penal Code and Sections 61/1/14 of the Punjab Excise Act, 1914 (Sections 468,471,472,120-B IPC added later on), registered at Police Station Ghagga, District Patiala.

It is contended by learned counsel for the petitioner that the petitioner is in custody since 30.10.2018 and the point whether Sections 420,465 and 272 Indian Penal Code, 1860 are attracted or not would be debatable as *prima facie* present is a case only under the Excise Act. Also contends that there is no other case pending against the petitioner except the present one and the investigation is complete but FSL report is awaited.

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

Since the present case is triable by Magistrate and petitioner is in

custody since 30.10.2018. At present, nothing is to be recovered from the petitioner and there is no other case pending against him, therefore, this Court deems it appropriate to grant concession of bail. Consequently, this petition is allowed and petitioner- Raghbir Singh 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.

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

29.01.2019

mamta

(MAHABIR SINGH SINDHU)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>