

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

**CRM-M No.9266 of 2019
Decided on: 30.08.2019**

Pankaj Rajput

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Nitin Sachdeva, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this 2nd petition is for grant of regular bail to the petitioners under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.182 dated 05.05.2018, for offence punishable under Sections 307, 326, 324, 348, 149 of the Indian Penal Code (in short 'IPC') registered at Police Station Basti Jodhewal, District Ludhiana.

The earlier petition was dismissed as withdrawn on 28.11.2018.

Counsel for the petitioner has submitted that the new ground for filing the present petition is that the petitioner is in custody since 10.05.2018 and only the challan has been presented and the trial before the trial Court is proceeding at a very slow pace. It is also submitted that as per the allegations in the FIR, registered at the

instance of Sanjiv Saini, the petitioner along with Lalli, Teju, Sumati, Monu Grewal and Sunny Jindal has caused injuries to the complainant. The petitioner is attributed injury on the back side of his head, which was declared dangerous to life. It also submitted though challan has been presented, however, no witness of the prosecution has been examined till date. It is further argued that all the co-accused of the petitioner have already been granted the concession of regular bail and the petitioner is in custody for the last 01 year and 04 months.

Counsel for the State, on instructions from ASI Gurmej Singh, submits that challan has been presented, however, charges have not been framed.

Without commenting anything on merits of the case, considering the fact that the petitioner is the first offender; he is not involved in any other case and is in custody since 10.05.2018; the co-accused of the petitioner have already been granted the concession of regular bail and the conclusion of the trial is likely to take some time, this petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaqa Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

30.08.2019

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Whether speaking/reasoned
Whether reportable:

Yes/No
Yes/No