

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

CRM-M No. 10452 of 2019

Date of decision : 12.04.2019

Baljinder Singh @ Lakhvir Singh @ Lakhi

.....Petitioner

Versus

State of Punjab

...Respondent

CORAM : HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present : Mr. Ruhani Chadha, Advocate for the petitioner.

Mr. I.P.S. Doabia, Addl. A. G., Punjab.

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DAYA CHAUDHARY, J. (Oral)

This is the third petition filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case FIR No.79 dated 26.04.2017 under Sections 406, 420, 465, 468, 471, 120-B of the Indian Penal Code, 1860 and Section 24 of the Immigration Act, registered at Police Station – Goraya, Distt. Jalandhar, during pendency of the trial.

Learned counsel for the petitioner submits that the first petition was dismissed as withdrawn and nothing was said on merit. Second petition moved by the petitioner was also dismissed on the ground that earlier there was compromise between the parties but subsequently, the complainant backed out from the compromise. Now this third petition has been filed on the ground that co-accused has already been released on anticipatory bail which has also been made absolute. Learned counsel further submits that the offence is triable by Magistrate. Petitioner is in

custody since 06.02.2018 and no purpose would be served by keeping him in custody.

Learned State counsel has not disputed the custody period as well as release of co-accused on anticipatory bail but opposes grant of bail on the ground that the petitioner may influence the complainant as he has been examined in chief only and his cross-examination is still pending.

Heard arguments of learned counsel for the parties and have also gone through the contents of the FIR and other documents available on record including the earlier orders passed in two petitions, which shows that those petitions were not dismissed on merits.

By considering the period of custody since 06.02.2018 and also the fact that co-accused has already been released on anticipatory bail, which has been made absolute and the offence is triable by Magistrate, no purpose would be served by keeping the petitioner in custody. Accordingly, the present petition is allowed and the petitioner is directed to be released on regular bail on furnishing adequate bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

However, it is made clear that in case the petitioner tries to influence the complainant or any other prosecution witness, the State is at liberty to move application for cancellation of bail.

12.04.2019

sunil yadav

**(DAYA CHAUDHARY)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No