

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

**CRM-M No.19043 of 2018 (O&M)
Decided on: 18.01.2019**

Ram Sanjivan

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. H.S. Batth, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.7 dated 25.01.2017, for offence punishable under Sections 457, 380, 467, 468, 471, 420, 411, 201 of the Indian Penal Code (in short 'IPC'), registered at Police Station 'D' Division Amritsar, District Amritsar City.

Counsel for the petitioner has submitted that the petitioner is in custody since 21.11.2017, charges have been framed on 23.03.2018 and out of 26 prosecution witnesses, only 08 PWs have been examined so far and therefore, the prosecution has failed to conclude its evidence and the petitioner is entitled for default bail under Section 437(6) of Cr.P.C., as the offences are triable by the Court of Magistrate.

Counsel for the State, on instructions from ASI Kuldeep

Singh, has not disputed the factual position but opposed the prayer for bail. It is further submitted that the allegations against the petitioner are of serious nature and theft for an amount of Rs.40/42 lacs was committed in the shop of the complainant and an amount of Rs.4 lacs and 15 bricks of silver (total weighing 30 Kgs.) was also recovered from the petitioner, however, it is also submitted that the petitioner is not involved in any other case.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody since 21.11.2017; charges have been framed; only 08 prosecution witnesses out of 26 PWs, have been examined and also in view of the fact that the offences are triable by the Court of Magistrate; the petitioner is entitled for default bail under Section 437(6) of Cr.P.C. and conclusion of the trial is likely to take some time, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail bonds and two local sureties to the satisfaction of the trial Court/Illaq Magistrate/Duty 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

18.01.2019
yakub

Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No