

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

CRM-M No. 35244 of 2018

Date of decision : 05.02.2019

Kanwaljit Singh

.....Petitioner

Versus

State of Punjab

...Respondent

CORAM : HON'BLE MRS. JUSTICE DAYA CHAUDHARY

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

Ms. Samina Dhir, DAG, Punjab.

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DAYA CHAUDHARY, J. (Oral)

Present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case FIR No. 106 dated 27.06.2018 under Sections 379-B/34 of the Indian Penal Code, 1860, registered at Police Station – Maqsudan, Jalandhar, during pendency of the trial.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the case, whereas no offence is made out against him. There is no connecting evidence to show his involvement. False recovery has been planted upon him. He is in custody since 27.06.2018 and no other case of similar nature is there against him. Learned counsel also submits that the complainant is not appearing before the trial Court as he belongs to State of Bihar. Other prosecution witnesses are official and there is no possibility that the petitioner may influence them or tamper with the evidence.

Learned State counsel has not disputed the custody period undergone by the petitioner, the stage of the trial and the factum of non-recording of statement of the complainant, who is stated to be resident of State of Bihar.

Heard arguments of learned counsel for the parties and have also perused the contents of the FIR and other documents available on record.

Keeping in view the custody of the petitioner since 27.06.2018 and also the fact that no other case of similar nature is there against the petitioner; the trial may take some time to conclude, no purpose would be served by keeping the petitioner in custody. Accordingly, present petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing adequate bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

05.02.2019

sunil yadav

**(DAYA CHAUDHARY)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No