

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

234)

Crl. Misc. No.M-19008 of 2019

Date of Decision: 05.12.2019

Ankush

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. J.S.Thakur, Advocate, for
Ms.Sushma Chopra, Advocate for the petitioner.

Mr.A.P.S.Gill, DAG, Punjab.

Amol Rattan Singh, J. (Oral)

This petition has been filed under the provisions of Section 439 Cr.P.C., for the grant of 'regular bail' to the petitioner, in case FIR No. 22, dated 08.02.2018, registered at Police Station Division No.5, Jalandhar, District Jalandhar, for the alleged commission of offences punishable under Section 22 of the NDPS Act, 1985, (with other offences punishable under Section 77 of Juvenile Act, 2015 & Section 35 of the Indian Evidence Act, 1872 also subsequently having been added).

On 25.11.2019, the following order had been passed:-

“Though the petitioner is stated to have been in custody for the past 01 year and 07 months and would therefore be entitled to the concession of bail, in my opinion, with only three prosecution witnesses out of 10 having been examined, however, learned State counsel on instructions from the police official who is present in Court today to assist him, submits that there are other criminal cases also registered against the petitioner, including a case alleging for therein the commission of an offence punishable under Section 376 of the IPC.

That being so, adjourned to 05.12.2019.

The custody certificate of the petitioner showing his period of custody as also other criminal cases registered against him, and their outcome, be produced in Court, on the next date of hearing.”

Today, learned counsel has produced in Court a judgment of the learned Juvenile Justice Board, Jalandhar, dated 25.07.2016, acquitting him of the charges framed as regards the offences punishable under Sections 363 and 366 of IPC and Section 4 of the POCSO Act, holding therein that though an allegation of the commission of an offence punishable under Section 376 IPC was also made, eventually, in fact, the complainant had resiled from that statement.

However, learned State counsel, on instructions from ASI Fakir Singh, submits that other than the said case, five other cases also stand registered against the petitioner.

Upon the aforesaid statement made, learned counsel for the petitioner has produced in Court today the judgments passed by different Courts, acquitting him of the offences with which he was charged in all those cases also.

That being so, without making any comment on the actual merits of the case for or against the petitioner, he having been in custody for 01 year and 07 months, with only 03 prosecution witnesses out of 10 having been examined so far, this petition is allowed. The petitioner shall be admitted to bail upon his furnishing adequate bail bonds and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

(AMOL RATTAN SINGH)
JUDGE

05.12.2019

Anjal

Whether reasoned/speaking: Yes
Whether reportable: No