

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

**CRM-M-39599-2018
Date of decision: 10.01.2019**

Karamjit Singh**...Petitioner**

Versus

State of Punjab**...Respondent****CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN**

Present:- Mr. S. P. S. Sidhu, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

Mr. Pardeep Kumar, Advocate for
Mr. K. B. Raheja, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 6 dated 12.01.2016, registered under Sections 420, 465, 467, 468, 471, 506 and 120-B of the IPC at Police Station Mamdot, District Ferozepur.

Learned counsel for the petitioner submits that petitioner is in judicial custody since 09.06.2017 and the charges were framed on 09.10.2017 and the first date for recording the statement of prosecution witness was 23.10.2017, however, till date, the prosecution evidence has not been concluded.

Learned counsel for the petitioner relies upon **2015 (2) R.C.R. (Criminal) 311, Amit Sharma vs. State of Haryana** to submit that as per provisions of Section 437(6) Cr.P.C., if, in any case triable by a Magistrate,

the trial of a person accused of any non-bailable offence is not concluded within a period of sixty days from the first date fixed for taking evidence in the case, such person shall, if he is in custody during the whole of the said period, be released on bail to the satisfaction of the Magistrate, unless for reasons to be recorded in writing, the Magistrate otherwise directs and the prosecution having failed to do so and the accused in said case was granted concession of bail.

Learned State counsel, on instructions from ASI Roshan Lal, assisted by learned counsel for the complainant, has, however, opposed the grant of regular bail to the petitioner and submitted that statement of four prosecution witnesses has been recorded so far and an application under Section 319 Cr.P.C. was moved by the prosecution which stands dismissed on 26.11.2018.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the aforesaid submissions of learned counsel for the parties and also in view of the fact that offences are triable by the Court of a Magistrate and the petitioner is in custody for the last about 01 year and 07 months and the case is still at the stage of recording the statement of prosecution witnesses as out of total 14 prosecution witnesses, only 04 have been examined so far, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

January 10, 2019

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

*Whether speaking/reasoned
Whether reportable*

*Yes/No
Yes/No*