

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

CRM-M No.20312 of 2019 (O&M)

Date of Decision: 23.07.2019

Kamal Masih

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Harminder Singh, Advocate for the petitioner.

Mr. Saurav Khurana, DAG, Punjab for the respondent/State.

Mr. Dheeraj Mahajan, Advocate for the complainant.

MAHABIR SINGH SINDHU, J. (Oral)

Present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of bail pending trial to the petitioner in case bearing FIR No.19 dated 05.03.2019, under Sections 420 and 120-B of the Indian Penal Code, 1860 (*for short 'IPC'*) [Sections 467, 468 & 471, IPC added vide order dated 31.05.2019], registered at Police Station Dera Baba Nanak, Gurdaspur.

Contends that petitioner is in custody since 27.03.2019 and after investigation, report under Section 173 Cr.P.C. has been submitted on 21.05.2019 before the Court of competent jurisdiction and charges are yet to be framed. Also contends that there is no other criminal case pending against the petitioner.

The above factual position is duly acknowledged by learned State Counsel, on instructions from PHC Rajbir Singh and HC Rajinder Pal.

Learned Counsel for the complainant has also conceded the aforesaid facts.

Since petitioner is not involved in any other criminal case; investigation is already over and charges are yet to be considered by learned trial Court, therefore, there is no justification to keep the petitioner behind the bars any more as the trial is likely to take sufficient long time for its conclusion. Consequently, without expressing any opinion on the merits of the case, the present petition is allowed. Petitioner be admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned.

The above observations may not be construed as an expression of opinion on the merits of the case.

July 23, 2019

Gagan

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No