

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

**Criminal Misc. No. M-44765 of 2018
Date of decision: 11.03.2019**

Rakesh Kumar

..Petitioner

Versus

State of U.T., Chandigarh

..Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Mr. T.P.S. Tung, Advocate
for the petitioner.

Mr. Parveen Chauhan, Advocate for
Mr. Gagandeep S. Wasu, APP, UT Chandigarh
for the respondent.

Daya Chaudhary, J. (Oral)

The present petition has been filed by the petitioner under Section 439 Cr.P.C. for grant of regular bail in case FIR No.219 dated 19.07.2018 registered under Sections 420, 473 IPC and Sections 467, 468, 471 read with Section 120-B IPC added later on at Police Station Sector 19, Chandigarh and now challan has been presented under Sections 420, 467, 468, 471, 473 read with Section 120-B IPC.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the case whereas he was not involved. The offence is triable by the Magistrate. The petitioner is in custody since 19.07.2018. which comes to approximately nine months. Learned counsel further submits that complainant has been examined and he has not supported the case of the prosecution. There are total 18 prosecution

witnesses. Trial may take time to conclude and no purpose would be served by keeping the petitioner in custody.

Learned counsel for UT Chandigarh has not disputed the custody period as well as stage of trial and also the fact that complainant has not supported the case of the prosecution.

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

By considering that the petitioner is in custody since 19.07.2018; offence is triable by the Magistrate; there are total 18 prosecution witnesses; complainant has not supported the case of the prosecution; trial may take time to conclude; no purpose would be served by keeping the petitioner in custody, the present petition is allowed and the petitioner (Rakesh Kumar) is directed to be released on regular bail on furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

11.03.2019
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(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	No