

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

**CRM-M No.45646 of 2018 (O&M)
Date of Decision: 29.01.2019**

Buta Khan

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Sherry K. Singla, Advocate for the petitioner.

Mr. C.L.Pawar, Senior Deputy Advocate General, Punjab
for the respondent/State.

MAHABIR SINGH SINDHU, J. (Oral)

Present petition has been filed under Section 439 of the Code of Criminal Procedure (*for short 'Cr.P.C.'*) for grant of bail, pending trial, to the petitioner in case FIR No.47 dated 28.04.2018 (**P-1**), under Sections 458, 380, 459, 411 and 325 of the Indian Penal Code, 1860, registered at Police Station Amargarh, District Sangrur.

Learned Counsel for the petitioner contends that the petitioner is in custody since 20.05.2018 and report under Section 173 Cr.P.C. has already been submitted before the Court of competent jurisdiction and even the case is pending for prosecution evidence. Also contends that other two co-accused, namely, Sardar Ali and Mohd. Shabir have already been granted the bail, pending trial, by this Court.

The above factual position is not disputed by learned State Counsel, on instructions from ASI Gurmail Singh.

In view of the facts that the petitioner is in custody since 20.05.2018; investigation is already over; case is pending for prosecution evidence and more particularly, two co-accused have already been granted the concession of regular bail, no useful purpose would be served by keeping the petitioner behind the bars any more.

In view of the abovesaid circumstances, 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.

However, it is made clear that in case there is recurrence on the part of the petitioner, the prosecution would be at liberty to move an appropriate application before this Court for recalling of this order.

January 29, 2019

(MAHABIR SINGH SINDHU)
JUDGE

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Whether speaking/reasoned	Yes
Whether Reportable	Yes