

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

CRM-M-52284-2018

Date of decision: February 27, 2019

Lakhwinder Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Rishu Mahajan, Advocate
for the petitioner.

Mr. V.G. Jauhar, Senior DAG, Punjab.

RAJ SHEKHAR ATTRI, J.(ORAL)

The present petition has been filed under Section 437(6) Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.84 dated 19.08.2017, registered for the offences punishable under Sections 420, 467, 468, 471, 419, 201, 120-B of Indian Penal Code (for short, "IPC"), 1860 at Police Station Maqboolpura, Amritsar on the ground that the trial has not been concluded within a stipulated period of 60 days from the date of framing of charges by the court below.

Heard.

A report has been received from learned Civil Judge (Junior Division)-cum-Judicial Magistrate Ist class, Amritsar which transpires that charges were framed on 28.11.2017 and trial has not been concluded till date.

A bare perusal of the provisions of Section 437(6) Cr.P.C. makes it abundantly clear that if 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. However, a rider has been added that “unless for reasons to be recorded in writing, the magistrate otherwise directs”, but no such direction is available on the record.

Petitioner is in custody since 21.08.2017. It will take some time to conclude the trial.

Without expressing any opinion on merits of the case and keeping in view the fact that conclusion of trial will take considerably long time, the present petition is allowed. Petitioner is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned subject to following terms:-

- (a) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.
- (c) He shall not leave the country without the previous permission of the court.

(RAJ SHEKHAR ATTRI)
JUDGE

February 27, 2019
m. sharma

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No