

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

305

CRM-M-25555-2019.

Date of Decision: 18.07.2019.

Jiwan Singh

....Petitioner.

Versus

State of Punjab

....Respondent.

CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN

Present: Mr. Naveen Sharma, Advocate for the petitioner.

Mr. Pawan Sharda, Sr. Deputy Advocate General, Punjab.

Shekher Dhawan, J.

Present petition under Section 439 of the Criminal Procedure Code is for grant of regular bail to petitioner- Jiwan Singh son of Darshan Singh, who is in custody since 01.03.2019 in case F.I.R. No.60 dated 01.03.2019 under Sections 406/420 of the Indian Penal Code, registered at Police Station Phillaur, Police District Jalandhar Rural, District Jalandhar.

Learned counsel representing petitioner contended that the petitioner has been falsely implicated in this case and the matter in controversy is primarily civil dispute. Co-accused Sarabjit Singh has already been admitted to bail by this Court vide order dated 28.05.2019 passed in CRM-M-23742-2019. The petitioner is in custody since 01.03.2019 and the offences alleged against the petitioner are triable by the Court of Magistrate.

The trial of the case still to take some more time and no useful purpose would be served by detaining the petitioner behind the bars, so he be released on bail.

Learned State counsel opposed the prayer for bail on the ground that the petitioner cannot seek parity with co-accused Sarabjit Singh as a sum of Rs.5 Lakh was recovered from the present petitioner.

At this stage, without commenting anything on the merits of the case, which may not cause prejudice to either of the parties at a later stage, but taking the above facts into consideration and the fact the petitioner is in custody since 01.03.2019, co-accused Sarabjit Singh has already been admitted to bail by this Court vide order dated 28.05.2019 passed in CRM-M-23742-2019, the offences alleged against the petitioner are triable by the Court of Magistrate; the trial of the case still to take some more time and no useful purpose would be served by detaining the petitioner behind the bars, the present petition is allowed. Petitioner—Jiwan Singh, is ordered to be admitted to regular bail on his furnishing adequate bail bond and surety bond to the satisfaction of concerned learned trial Judge/ Chief Judicial Magistrate/ Duty Magistrate.

(SHEKHER DHAWAN)
JUDGE

18.07.2019
jitender

Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No