

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

**CRM-M-30490-2019
Date of decision: 24.07.2019**

Amit Kumar @ Harish Kumar @ Chintu **...Petitioner**

Versus

State of Punjab **...Respondent**

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Z. S. Chauhan, Advocate
for the petitioner.

Mr. Jagmohan Ghuman, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 168 dated 28.06.2018, registered under Sections 379-B IPC at Police Station Phillaur, District Jalandhar (Rural).

Learned counsel for the petitioner submits while granting regular bail to co-accused Tajinder Singh, the following order has been passed on 31.08.2018 in CRM-M-37045-2018:

“Learned counsel for the petitioner has argued that no recovery was effected from the petitioner. In fact, there was a sudden fight. The husband of owner of the Filling Station is an Advocate at Phillaur, and it is only for this reason, the FIR has been lodged. He states that the petitioner is in custody since 28.06.2018 and there is no other case pending against him.”

Learned counsel for the petitioner further submits that the case of the petitioner is on the similar footings with co-accused Tajinder Singh,

however, his bail was declined on the ground that he is involved in one more FIR under the NDPS Act, in which he in fact stands acquitted, vide judgment dated 18.03.2019.

Learned counsel for the petitioner further submits that petitioner is in judicial custody since 29.06.2018 and despite framing of charge, out of total 15 prosecution witness, no witness has been examined till date, hence, it will take a long time in conclusion of the trial.

Learned State counsel, on instructions from ASI Rajinder Pal Singh and on the basis of the custody certificate filed today in Court, has not disputed the factual position.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the fact that similarly situated co-accused of the petitioner has already been granted regular bail as noticed above; petitioner is in judicial custody since 29.06.2018 and also in view of the fact that conclusion of the trial is likely to take a long time, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

24.07.2019

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

*Whether speaking/reasoned
Whether reportable*

*Yes/No
Yes/No*