

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

**CRM-M No.31823 of 2019 (O&M)
Date of Decision: 25.09.2019**

Mela Ram

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Vivek K. Thakur, Advocate for the petitioner.

Mr. Rahul Mohan, Deputy Advocate General, Haryana
for the respondent/State.

MAHABIR SINGH SINDHU, J. (Oral)

Present petition has been filed under Section 439 Cr.P.C. for grant of bail pending trial to the petitioner in complaint case bearing No.NACT/1182/2015 dated 15.12.2015 (P-1), titled as '**Bhoop Singh Versus Mela Ram**', under Sections 138/142 of the Negotiable Instruments Act, 1881, pending before the Court of learned Judicial Magistrate 1st Class, Kurukshetra.

Contentends that on account of some health problem, petitioner could not appear before learned trial Court and that led to cancellation of his bail. Further contends that even regarding the amount in question, an FIR has also been registered by the complainant and in the present case, petitioner is in custody since 01.05.2019.

The aforesaid factual position is duly acknowledged by learned State Counsel, on instructions from the police official present in the Court, but opposed the present bail application.

Heard both sides and perused the paper-book.

Since the case is triable by a Magistrate and petitioner is in custody since 01.05.2019, therefore, further incarceration of the petitioner would not serve any purpose. Consequently, 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.

The above observations may not be construed as an expression of opinion on the merits of the case.

It is clarified that in case there is any recurrence on the part of the petitioner, State of Haryana would be at liberty to move an appropriate application for recalling of this order.

September 25, 2019

Gagan

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No