

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

CRM-M-33441 of 2019(O&M)
Date of Decision: 23.09.2019

Ramesh Kumar

....Petitioner

Versus

State of Punjab

....Respondent

CORAM:HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Nakul Sharma Advocate
for the petitioner.

Mr. Harpreet Singh Multani, AAG, Punjab.

MAHABIR SINGH SINDHU, J.(Oral)

Present petition has been filed under Section 439 Cr.P.C. seeking bail pending trial in case FIR No. 5 dated 12.01.2014, under Sections 454, 380, 409 and 120-B of the Indian Penal Code registered at Police Station Kalanaur, District Gurdaspur.

Learned counsel for the petitioner contends that the petitioner is in custody since 12.04.2019. Also contends that the matter was inquired on three occasions, but the petitioner was found innocent by the police. Further argued that on earlier occasion even the concession of pre-arrest bail was granted to the petitioner by learned Additional Sessions Judge, Gurdaspur on 14.09.2015 and

charges have also been framed on 21.09.2019.

Learned State counsel has acknowledged the above factual position on instructions from ASI Rajinder Singh and filed the custody certificate of the petitioner. The same is taken on record. Learned State counsel has opposed the bail on the ground that there are other cases pending against the petitioner under the Public Gambling Act, 1867 and Section 420 of IPC.

Heard learned counsel for the parties and perused the paper book.

Since the investigation is already over in this case and the petitioner is in custody since 12.04.2019 and he was granted the concession of pre-arrest bail by learned Additional Sessions Judge, Gurdaspur on 14.09.2015 at the initial stage. The petitioner was found to be innocent on three occasions by the police and the trial is likely to take a long time to be concluded, therefore, no useful purpose would be served by keeping him behind the bars any more.

In view of the above, without expressing any opinion on the merits of the case, this petition is allowed. Petitioner-Ramesh Kumar be admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

However, it is clarified that the petitioner shall fully co-operate with proceedings before learned trial Court and not seek any unnecessary adjournments or absent from trial. If occasion so arises, then the prosecution would be at liberty to move an application for

recalling of this order.

It is also made clear that above observations may not be construed as an expression of opinion on the merit of the case pending before learned trial Court.

September 23, 2019
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[MAHABIR SINGH SINDHU]
JUDGE

Whether speaking/reasoned	yes/no
Whether reportable?	yes/no