

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

Crl. Misc. No.M-34497 of 2019

Date of Decision: 24.09.2019

Gurbachan Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Pankaj Bhardwaj, Advocate, for the petitioner.
Ms. Ruchika Sabharwal, AAG, Punjab.

Amol Rattan Singh, J. (Oral)

Learned State counsel on instructions from the police official who is present in Court to assist him, submits that pursuant to the order of this Court dated 26.08.2019, the petitioner has duly appeared before the trial court and has been admitted to bail by that court to its satisfaction, in terms of the aforesaid order.

On the merits of the case, though otherwise there would be no reason for this Court to disagree with what has been stated by the learned Additional Sessions Judge, Tarn Taran, vide his order dated July 25, 2019, to the effect that while considering an application under Section 438 of the Cr.P.C. balance has to be struck between the liberty of the citizens and interest of the general public at large, with the allegation against the petitioner being that a carbine rifle had been released from the police station of which he was the SHO in the year 1993, however, in the opinion of this court, with the report under Section 173(2) of the Cr.P.C., having been already submitted to the trial court and the matter being an extremely old

one, without making any comment on the merits of the case for or against the petitioner, which would be gone into by the trial court on the basis of the evidence led before it, the petition is disposed of, with the order dated 26.08.2019, admitting the petitioner to bail, made absolute on the same terms and conditions.

(AMOL RATTAN SINGH)

JUDGE

24.09.2019

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Whether reasoned/speaking: Yes

Whether reportable: No