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

CRM-M-35420 of 2019

Date of decision: September 04, 2019

Deepak @ Deepu

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. B.D. Sharma, Advocate for the petitioner.

Mr. H.S. Multani, AAG Punjab.

MAHABIR SINGH SINDHU, J (Oral)

Present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 (for short 'Cr. P.C.') for grant of bail pending trial to the petitioner, in FIR No.61 dated 16.04.2019 , under Sections 386, 506 of the Indian Penal Code, 1860 (for short 'IPC') and Section 25 of Arms Act, 1959 (for short 'Arms Act'), registered at Police Station Cantonment, District Amritsar.

Contentends that petitioner is in custody since 16.04.2019, report under Section 173 Cr. P.C. was submitted on 13.06.2019 and charges are yet to be framed. Also contentends that co-accused, namely Vijay Sharma @ Bobby has already been granted the concession of bail pending trial by this Court, on 16.07.2019. Also contentends that allegations against the petitioner are also similar to said Vijay Sharma @ Bobby.

The above factual position is duly acknowledged by learned State counsel, on instructions from police official present in Court to assist him.

Heard both sides and perused the paper book.

Since the petitioner is in custody since 16.04.2019 and charges are yet to be framed in this case, therefore, the trial is likely to take sufficient long time. Thus, further incarceration of the petitioner would not serve any purpose.

In view of the above, this petition is allowed. The petitioner is ordered to be released on bail, in this case, on his furnishing adequate 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 as well as of compromise between the parties.

However, it is clarified that petitioner shall fully co-operate with learned trial Court without seeking any unnecessary adjournments.

(MAHABIR SINGH SINDHU)
JUDGE

September 04, 2019

mahavir

Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No