

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

**CRM-M No.44984 of 2019 (O&M)
Date of Decision: 29.10.2019**

Ashok Kumar

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Jasdev Singh Brar, Advocate for the petitioner.

Mr. V.G.Jauhar, Sr. DAG, Punjab 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 case bearing FIR No.102 dated 06.08.2019, under Section 306 of the Indian Penal Code, 1860, registered at Police Station Division No.8, Jalandhar.

Contentends that as per the allegations of the prosecution itself, the deceased was having financial dealings with the petitioner. Also contends that petitioner is in custody since 07.08.2019; after investigation, challan has already been presented on 04.10.2019 and charges are yet to be framed. Further contends that there is no other criminal case against the petitioner.

The above factual position is duly acknowledged by learned State Counsel, on instructions from S.I. Sanjeev Kumar, but opposed the bail.

Heard both sides and perused the paper-book.

Since the investigation is over; challan has already been presented; charges are yet to be framed; petitioner is in custody since 07.08.2019; there is no other criminal case against him and even as per the case of the prosecution itself, the dispute was regarding some financial dealings between the parties i.e. petitioner and complainant, therefore, there is no justification to prolong the incarceration of the petitioner. 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 Punjab would be at liberty to move an appropriate application for recalling of this order.

October 29, 2019

Gagan

**(MAHABIR SINGH SINDHU)
JUDGE**

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>