

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

**CRM-M No.46604 of 2019 (O&M)
Date of Decision: 06.11.2019**

Kamaljeet Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Ramesh Kumar Birla, Advocate for the petitioner.

Mr. Harpreet Singh Multani, AAG, 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.50 dated 27.05.2019, under Sections 379-B and 323 of the Indian Penal Code, 1860, registered at Police Station Sadar Jalalabad, District Fazilka.

Custody Certificate of the petitioner has been produced. The same is taken on record. Copy supplied to opposite side.

Contentends that petitioner is in custody since 19.06.2019 and after investigation, report under Section 173 Cr.P.C. has been submitted on 14.08.2019 and co-accused, namely, Harkesh Singh @ Rakesh Singh has already been granted the concession of pre-arrest bail by this Court, vide order dated 23.09.2019 (P-2), passed in CRM-M-30167-2019. Also contentends that there is no other criminal case pending against the petitioner.

The above factual position is duly acknowledged by learned State Counsel, on instructions from the police official present in the Court.

Since petitioner is in custody since 19.06.2019; investigation is over; charges are yet to be considered; co-accused has already been granted the concession of pre-arrest bail by this Court and there is no other criminal case pending against him, thus, his further incarceration 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 Punjab would be at liberty to move an appropriate application for recalling of this order.

November 06, 2019
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

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