

228.

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

CRM-M-49213-2019

Date of decision: 11.12.2019

TEK SINGH

... Petitioner

versus

STATE OF PUNJAB AND ANOTHER

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Naveen Sharma, Advocate, for the petitioner.

Mr. Saurav Khurana, DAG, Punjab, for respondent No.1.

Ms. Pushpinder Kaur, Advocate, for
Ms. Riffi Birla, Advocate, for respondent No.2.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in complaint case No.COMI-124/2016 dated 21.07.2016 bearing sessions case No.SC-131/2019 dated 04.10.2019, under Sections 376/506/420/344/120-B of IPC and Section 25 of Arms Act, 1959, pending before the Sessions Judge, Fazilka.

Counsel for the petitioner states that respondent No.2 has filed a complaint under Sections 376/506/420/344/120-B of IPC and Section 25 of Arms Act, 1959 in the Court of Additional Chief Judicial Magistrate, Fazilka, wherein vide order dated 06.07.2019, petitioner has been summoned for 29.07.2019. He further states that charges in the case were framed on 04.10.2019, but since he did not receive any notice in the case, he could not appear on the relevant date. However, he was picked up by the police on 06.09.2019 and since then, he is in custody.

Counsel for the petitioner further states that the complaint was filed under Sections 376/506/420/344/120-B of IPC and Section 25 of Arms Act, 1959, but the learned Sessions Judge did not find any substance for the other offences and the petitioner has been summoned only for the offences under Sections 376, 506, 420 of IPC.

Memorandum of appearance filed in court on behalf of respondent No.2, is taken on record. Counsel appearing on behalf of respondent No.2 has argued that the allegations against the petitioner are serious and therefore, he does not deserve to be admitted on bail.

I have heard learned counsel for the parties.

Considering the fact that the petitioner has been summoned in a complaint case and he being in custody since 06.09.2019 and the trial in the case will take sufficient time, this Court deems it appropriate to admit the petitioner on bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of trial Court.

The observations made hereinabove shall not be construed as an expression on the merits of the case and the trial court shall decide the case on the basis of available material.

(HARI PAL VERMA)
JUDGE

11.12.2019
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Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No