

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

**CRM-M No.50464 of 2019 (O&M)
Decided on: 13.12.2019**

Mehboob Khan

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Ms. Nisha, Advocate
for Mr. S.S. Sarwara, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this 2nd petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.41 dated 21.08.2019, registered under Sections 315, 323, 34 of the of the Indian Penal Code, 1860 (in short 'IPC') at Police Station Handersra, District S.A.S. Nagar.

The 1st petition seeking regular bail to the petitioner was dismissed as withdrawn on 16.11.2019.

Counsel for the petitioner has argued that in terms of the order dated 05.02.2019 passed by this Court, a meeting was arranged by the Investigating Officer with the complainant/wife of the petitioner at Central Jail, Patiala. It is further argued that as per the meeting, both the petitioner as well as the complainant/wife of the petitioner have decided to part ways from their matrimonial life. It is also submitted that the petitioner is in custody since 22.08.2019, challan stands presented and the petitioner is not involved in any other case.

Counsel for the State, on instructions from HC Jagtar Singh and on the basis of the Custody Certificate, has not disputed the factual position but opposed the prayer for bail. It is also not disputed that the Investigating Officer has arranged the meeting of the complainant with the petitioner and they have decided to part ways from their matrimonial life.

Without commenting anything on merits of the case, considering the fact that the petitioner is not involved in any other case; he is in judicial custody since 22.08.2019; challan stands presented; the custodial interrogation of the petitioner is not required and it will take some time in conclusion of the trial, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

13.12.2019
yakub

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No