

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

**Criminal Misc. No. M-43890 of 2018
Date of decision: 18.03.2019**

Amandeep Singh Gumber

..Petitioner

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Mr. Arjun Veer Sharma, Advocate
for the petitioner.

Ms. Bhavna Gupta, DAG, Punjab
for the respondent -State.

Daya Chaudhary, J. (Oral)

This is the fourth petition filed by the petitioner under Section 439 Cr.P.C. for grant of regular bail to him in case FIR No.91 dated 21.11.2017 registered under Sections 420, 406 read with Section 120-B IPC and Section 24 of the Immigration Act, 1983 at Police Station Sherpur, District Sangrur.

Learned counsel for the petitioner submits that the petitioner is in custody since 10.02.2018 and trial may take time to conclude as not only statement under Section 313 Cr.P.C. is to be recorded but thereafter, statements of DWs are to be recorded. The offence is triable by the Magistrate and in case, the petitioner is released on regular bail, he would be in a position to defend himself at the time of recording of statements of DWs.

Learned State counsel has not disputed the custody period but has opposed grant of regular bail on the ground that trial is likely to be

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concluded as all PWs have been examined. Learned State counsel also submits that six more cases are there against the petitioner whereas in two cases, he has been acquitted, in two cases, he is on bail and status of remaining two more cases is not known whereas learned counsel for the petitioner submits that the petitioner has been acquitted in two cases and is on bail in four cases including one case at Delhi and one at Ambala.

Heard arguments of learned counsel for the petitioner as well as learned State counsel and have also perused the contents of the FIR and other documents available on the file.

By considering that the petitioner is in custody since 10.02.2018; offence is triable by the Magistrate; in other cases, either the petitioner has been acquitted or is on bail, the present petition is allowed and the petitioner (Amandeep Singh Gumber) is directed to be released on regular bail on furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

18.03.2019
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(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned

Yes

Whether Reportable

No