

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

CRM-M-6327-2021 (O&M)

Date of Decision: 07.09.2022

Krishan Kumar

.....Petitioner

Vs.

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Edward Masih, Advocate,
for the petitioner.

Mr. Ramdeep Partap Singh, Sr. D.A.G., Punjab.

Ms. Deepali Puri, Advocate,
for respondent no. 2-complainant.

VIKAS BAHL, J. (Oral)

This is the first petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No. 40 dated 15.04.2020, under Sections 407/420/120-B of the Indian Penal Code, 1860 (Section 409 of the IPC was added later on), registered at Police Station Nihal Singh Wala, District Moga.

Learned counsel for the petitioner has submitted that the petitioner deserves the concession of regular bail, in view of the provisions of Section 437 (6) of the Code of Criminal Procedure, 1973.

A perusal of the record would show that neither any such application has been moved before the trial court, nor the said plea has been taken before the trial court at the first instance.

Learned counsel for the petitioner thus, seeks to withdraw the present petition with liberty to file an application for regular bail before the trial court by making specific averments and by providing details as is

required to make out his case under Section 437 (6) of the Cr.P.C.

Learned counsel for the petitioner has prayed that the trial court be directed to expeditiously decide the said application, since the petitioner has been in custody for a period of 01 year, 06 months and 27 days, as per the custody certificate filed.

In view of the same, the present petition is dismissed as withdrawn.

Liberty is granted to the petitioner to move a fresh application for grant of regular bail, after taking all the pleas, including the plea with respect to Section 437 (6) of the Cr.P.C., in accordance with law.

In case such an application is filed, the learned trial court is requested to decide the same as expeditiously as possible, preferably within a period of 5 days from the date of filing of the said application.

This court has not opined on the merits of the case and the said regular bail application would be considered independently, on its merits.

Pending miscellaneous application, if any, stands disposed of in view of the abovesaid order.

September 07, 2022
nitin

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No