

Fateh Singh Vs. Emperor

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Court : Allahabad

Decided On : Jan-22-1929

Reported in : AIR1929All320

Appellant : Fateh Singh

Respondent : Emperor

Judgement :

Dalal, J.

1. This is an application for bail of one Fateh Singh against whom an investigation is being made by the police on a charge under Section 304, I.P.C., punishable with transportation for life. The Magistrate guided as he was by the provisions of Section 497, Criminal P.C., expressed his inability to grant bail in such a case as there appeared to be reasonable grounds for believing that Fateh Singh was guilty. The Sessions Judge, however, had wide powers under Section 498, Criminal P.C., and has not considered the petition of appeal with care. It is represented that Fateh Singh is required to instruct his counsel, that members of two parties are being prosecuted, and that a member of the other party is released on bail and that, therefore, the other party will have a better chance of their case being properly represented in Court. It is true that against the other party there is no charge under Section 304, I.P.C. At the same time these reasons must weigh with a Court, and if there is no danger of the applicant Fateh Singh absconding if

released on bail I think that he should be so released. It was necessary for the Sessions Judge to consider all these points under Section 498, Criminal P.C.

2. The trying Magistrate is directed to release Fateh Singh on bail if he is satisfied that there is no apprehension of his absconding on proper sureties being ordered and secured. The trying Magistrate will please fix a bond and security accordingly if, in his opinion, such a bond and security will be sufficient to prevent Fateh Singh from absconding.

3. A copy of this order shall be sent to the trying Magistrate through the District Magistrate for necessary orders.

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