

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

CRM-M-36105-2015 (O&M)

Date of Decision: October 30, 2015

Gurdev Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

- 1. *Whether Reporters of local papers may be allowed to see the judgment ?***
- 2. *To be referred to the Reporters or not ?***
- 3. *Whether the judgment should be reported in the Digest?***

Present: Mr.D.S.Pheruman, Advocate
for the petitioner.

Mr.P.S.Ghuman, Addl.A.G.Punjab.

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NARESH KUMAR SANGHI, J.(ORAL)

Prayer in this petition, filed under Section 439, Cr.P.C., is for grant of regular bail to the petitioner, Gurdev Singh, son of Piara Singh, resident of village Kahlanwali, Tehsil Dera Baba Nanak, District Gurdaspur, who has been booked for having committed the offences punishable under Sections 148,302, 307, 323, 324, 382 and 452 read with Section 149, IPC, and Sections 25 and 27 of the Arms Act, in a case arising out of FIR No.83, dated 08.10.2013, registered at Police Station, Dera Baba Nanak, Police

District Batala, District Gurdaspur.

Learned counsel contends that the petitioner, who is aged about 45-year, has been involved in a false and frivolous case; as per prosecution version, the petitioner has not been assigned any injury on either of the deceased or the injured persons; and that the petitioner is behind the bars from 13.10.2013. He further submits that Santokh Singh, a similar situate co-accused of the petitioner, has been granted bail by this Court vide order dated 29.09.2015 passed in CRM-M-40530-2014.

Learned counsel for the State on instructions from ASI Gurmukh Singh of Police Station, Dera Baba Nanak, Police District Batala, District Gurdaspur, and after going through the material available on police file, very fairly concedes that the petitioner though was armed with kirpan, but had not caused any injury to the deceased or to the injured persons. He further fairly concedes that the petitioner is behind the bars from 13.10.2013.

I have heard learned counsel for the parties and with their able assistance gone through the material available on record.

The petitioner who is stated to be 45-year old, is behind the bars from 13.10.2013. Two persons from the petitioner's side had also sustained injuries and the motive for

commission of the crime was manure pits on the main road of the locality where the houses of the parties are situate.

Keeping in view totality of the facts and circumstances of the case, the present petition is allowed. The petitioner, Gurdev Singh, son of Piara Singh, resident of village Kahlanwali, Tehsil Dera Baba Nanak, District Gurdaspur, is directed to be released on bail during pendency of the trial of the present case subject to his furnishing bonds in the sum of ₹1,00,000/- (Rupees one lac only) with one surety in the like amount, to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, Gurdaspur.

The observations made here-in-above are for the limited purpose of deciding the present petition for bail.

October 30, 2015
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(NARESH KUMAR SANGHI)
JUDGE