

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

CRL. MISC. No.M-25934 OF 2016
DATE OF DECISION : 22nd AUGUST, 2016

Joginder Singh @ Shinda

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE A. B. CHAUDHARI

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Present : Mr. Ritesh Pandey, Advocate for the petitioner.

Mr. Shilesh Gupta, Addl. A.G. Punjab.

Mr. Baljeet Singh, Advocate for the complainant.

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A. B. CHAUDHARI, J. (ORAL)

The petitioner has filed the present petition under Section 439 Cr.P.C. seeking regular bail in FIR No.38 dated 01.06.2016 registered under Sections 324, 148 and 149 IPC (Section 302 IPC added later on) at Police Station Behrampur, District Gurdaspur.

Heard learned counsel for the rival parties.

The petitioner in this FIR was arrested on 08.06.2016 and since then he is in jail. Challan has been filed before the competent court.

Learned counsel for the petitioner pointed out that only attribution to the petitioner is that he was armed with a *dang* as against the main persons attacking and causing injuries to the deceased. He also submitted that in fact there is injury report placed on record which is received by the petitioner himself. He further submits that one injury caused to the deceased i.e. incised wound caused by some other accused.

In that view of the matter the petitioner is entitled to concession of bail.

Learned counsel for the complainant while opposing the bail petition submitted that the witnesses have a threat perception from the petitioner and therefore, some condition will have to be imposed. In response learned counsel for the petitioner states that the petitioner would not enter the Tehsil Gurdaspur except the date of appearance before the Sessions Court and would report to the concerned Police Station. He further undertakes that the petitioner would not apply for modification of the condition not to enter the Tehsil Gurdaspur at any point of time till the trial is completed.

In view of the statement made by learned counsel for the petitioner, I am inclined to grant bail to the petitioner. Hence, I make the following order:

ORDER

- (i) The petition is allowed.
- (ii) The petitioner be released on bail to the satisfaction of the CJM/Duty Magistrate, Gurdaspur.
- (iii) The petitioner shall not enter the limits of the Tehsil Gurdaspur except the date of appearance before the Sessions Court.
- (iv) The petitioner shall not apply for modification of the above condition to stay out of Tehsil Gurdaspur till the trial is over as per the statement made.
- (v) The petitioner shall not tamper or influence the prosecution witnesses.

- (vi) The petitioner shall report to the concerned Police Station on every last Sunday of the month from 10.00 am to 1.00pm.
- (vii) In case of violation of the above condition the liberty is reserved to apply for cancellation of bail.

22nd AUGUST, 2016
'raj'

(A. B. CHAUDHARI)
JUDGE