

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-12045 of 2017

Date of Decision: 19.07.2017

Balwinder Singh @ Kokli

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. L.S. Sidhu, Advocate
for the petitioner

Ms. Rajni Gupta, Sr. DAG, Punjab.

Mr. Amandeep S. Mann, Advocate
for the complainant.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.80 dated 27.08.2016 registered for offences punishable under Sections 302, 148 read with Section 120-B and 149 of Indian Penal Code (for short, "IPC") at Police Station Bareta, District Mansa. (Offence punishable under Section 323 IPC was added later on).

Heard.

As per case of prosecution, the occurrence took place on 26.08.2016 in which injuries were caused to Parminder Singh and Daljit Singh @ Gaggi @ Ford. While Daljit Singh @ Gaggi @ Ford died because of injuries received by him, injured-Parminder Singh was taken to hospital on the next day. His statement was recorded on 30.08.2016, wherein he named six persons alongwith petitioner, who had caused him injuries but stated that he could not identify remaining assailants due to darkness. It was at later

stage on the basis of secret information received by the police and on extra-judicial confession of petitioner before Malkiat Singh on 28.09.2016, the petitioner was nominated in this case.

The question in this case is to establish identity of assailants, who caused injuries to Parminder Singh and the deceased. The petitioner was not named in the FIR. He belongs to village of injured, who had identified six assailants. It is a question to be seen and appreciated by the trial Court as to whether statement of injured-Parminder Singh that he could not identify the petitioner has any substance while in his later statement recorded on 25.09.2016, he had named the petitioner.

Taking into account above facts and that after investigation the police has presented the challan against the petitioner and further that conclusion of trial will take considerably long time but without expressing any opinion on merits of the case, the present petition is allowed. Petitioner-Balwinder Singh @ Kokli is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- (a) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.
- (c) He shall not leave the country without the previous permission of the Court.

July 19, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No