

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

**CRM-M-12648 of 2017**  
**Date of Decision: 24.04.2017**

Surinder Kumar @ Chota Chiri ....Petitioner

**VERSUS**

State of Punjab ...Respondent

**CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA**

Present: Mr. Sumeet Singh Arora, Advocate  
for the petitioner.

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**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. 141 dated 13.11.2016 registered for offences punishable under Sections 307, 324, 323, 148 read with Section 149 of Indian Penal Code (for short, "IPC") at Police Station Division No. 2, Pathankot, District Pathankot. (Offence punishable under Section 326 IPC was added later on).

Heard.

Notice of motion.

On asking of the court, Mr. Jashanpreet Singh, AAG, Punjab, who is present in the Court accepts notice and submits that intimation by Registry informing of fixation of the petition has already been received and record of the case is available with him.

The petitioner was arrested on 22.02.2017. As per recital in the FIR, he was armed with *danda* and caused *danda* blow on the backside of shoulder of Manni. It is further mentioned that he gave *datar* blow on the chest of Manni.

As per allegations in the FIR, the petitioner was armed with *danda*. It is a fact to be seen by the trial Court as to whether, the recital in the FIR that he gave *datar* blow, is the result of some clerical mistake or otherwise. Other three accused named in the FIR have not been arrested and are stated to be absconding.

In view of above but without expressing any opinion on merits of the case and keeping in view the fact that conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Surinder Kumar @ Chota Chiri 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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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.

**April 24, 2017**  
**jk**

**( SURINDER GUPTA )**  
**JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No