

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-15382 of 2017
Date of Decision: 23.05.2017

Jagwinder Singh @ Gogi

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Ms. G.K. Mann, Advocate
for the petitioner.

Mr. Charanpreet Singh, 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. 102 dated 27.08.2016 registered for offences punishable under Sections 302, 307, 324, 148 read with Section 149 of Indian Penal Code (for short, "IPC") and 25/27 of the Arms Act, at Police Station Hathur, District Ludhiana. (Offence punishable under Section 326 IPC was added later on.)

Heard.

Notice of motion.

On asking of the court, Ms. Bhavna Gupta, DAG, 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 her.

As per case of prosecution, there was a dispute between Harjit Singh and complainant, who had crossed from the side of Gurudwara on his bicycle. The matter escalated and Harjit Singh called Charanjit Singh and

several other persons by giving mobile phone call, who came on the spot armed with pistols, guns, *kirpan* etc. As per complainant, the petitioner was armed with *kirpan*. Harjit Singh fired at father of complainant while Charanjit Singh and Sukhpal Singh fired at uncle of complainant, who both died at the spot. Some other accused, who have also come with sharp edged weapons gave injuries to complainant but no injury has been attributed to the petitioner.

Learned counsel for the petitioner submits that the petitioner was arrested on 08.09.2016 and is in custody since then. It is a cross-version case and police has registered a cross-case against the complainant party for offence punishable under Section 307 IPC in which challan has not been presented so far.

Learned State counsel submits that in the statement of Veer Singh, recorded by the police, he has attributed injury to petitioner, which was caused by him from reverse side of *kirpan*. The police has presented challan against the petitioner and other five accused in this case.

In the FIR no allegation of causing injury has been attributed to the petitioner. Even as per statement of Veer Singh, the injury attributed to the petitioner was caused by blunt weapon, which was also not grievous.

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-Jagwinder Singh @ Gogi 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.

May 23, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No