

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

**Crl. Misc. No.M-16723 of 2017 (O&M)
Date of Decision: July 21, 2017.**

Amrik Singh

.....PETITIONER(s).

VERSUS

State of Punjab

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Mohit Garg, Advocate
for the petitioner (s).

Ms. Rajni Gupta, Senior D.A.G., Punjab.

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. 186 dated 18.10.2015 registered for the offences punishable under Sections 302, 307, 326, 324, 323, 148 read with Section 149 of Indian Penal Code (for short-IPC), 25 and 27 of Arms Act, at Police Station Sadar Patiala.

Heard.

As per case of the prosecution, the assailants including the petitioner armed with weapons like *Gandasa*, *Kirpan* and firearms came to the spot and caused injuries to Raghbir Singh, Sukhdev Singh and Gurdev Singh. Daljit Singh son of Gurbachan Singh suffered firearm injury and fell on the ground and ultimately died. The petitioner was arrested in this case on 31.12.2015.

Learned counsel for the petitioner submits that the petitioner had not been attributed any injury to the deceased. Now, the trial Court has summoned Surjit Singh, Labh Singh and Gurmail Singh to face trial as additional accused, on the application of prosecution under Section 319 Cr.P.C. The prosecution has now come up with the version that Daljit Singh died because of firearm injury of Surjit Singh. After summoning of the aforesaid persons, the trial will start de novo. Co-accused Sukhwinder Singh, who was also not attributed any injury on the person of deceased was extended the benefit of regular bail vide order dated 27.09.2016 passed in CRM-M-32526 of 2016. Other accused named in the case namely Shinder Singh and Sukhdev Singh have also been extended the benefit of regular bail.

Learned State counsel, while opposing the bail application submits that Sukhdev Singh, Shinder Singh and Sukhwinder Singh were not named in the FIR, that is why, they were extended the benefit of regular bail. The petitioner was member of unlawful assembly, which caused injuries to four persons and they had come to the spot armed with deadly weapons. Another case bearing FIR No.393 dated 30.06.2006 for the offence punishable under Sections 307 and other sections of IPC was also registered against the petitioner at Police Station Sadar Patiala.

The petitioner is in custody for the last about 19 months. After recording one witness i.e. complainant, learned trial Court on the application of prosecution had summoned some more persons to face trial as additional accused. On their appearance, a de novo trial will start. The petitioner had not been attributed any injury to the deceased. He has been

attributed only one injury on the person of Sukhdev Singh, which is stated to be grievous in nature.

Keeping in view the above facts but without expressing any opinion on merits of the case, this petition is allowed. Petitioner Amrik Singh is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Patiala, 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 prior permission of the Court.

(SURINDER GUPTA)
JUDGE

July 21, 2017
Sachin M.

Whether speaking/reasoned: **Yes/No**

Whether Reportable: **Yes/No**