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

CRM-M-17298 of 2017

Date of decision: July 13, 2017

Gurmej Singh @ Gella

.....Petitioner

Versus

State of Punjab

.....Respondent

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

Present: Mr. D.S. Gandhi, Advocate for the petitioner.

Ms. Samina Dhir, DAG Punjab.

A.B. CHAUDHARI, J (Oral)

Heard learned counsel for the rival parties.

In this second petition, petitioner seeks grant of regular bail in FIR No.143 dated 20.10.2016, under Sections 379-B of the Indian Penal Code, 1860, Sections 25, 27, 54, 59 of Arms Act, 1959 (Sections 21, 22, 61, 85 of Narcotic Drugs and Psychotropic Substance Act, 1985 added later on), registered at Police Station Ajnala, District Amritsar. The petitioner was arrested on 25.10.2016 and since then he is in custody.

The first bail application was not entertained as the victim was not examined before the trial Court. Now, the learned State counsel, upon instructions from Head Constable Kuldeep Singh, makes a statement that the victim has been examined and cross-examined. She also clearly states that there is no other case against the petitioner. In my opinion, in that view of the matter, looking to the jail

custody of the petitioner since 25.10.2016, the petitioner should be released on regular bail. However, the interest of the prosecution will have to protect by asking the petitioner not to enter District Amritsar till the trial is completed.

In that view of the matter, this petition is allowed. Petitioner shall be released on bail subject to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned. Petitioner shall file undertaking that he will not enter District Amritsar till the trial is completed. Petitioner shall not tamper, influence and threaten the prosecution witnesses and complainant as well.

(A.B. CHAUDHARI)
JUDGE

July 13, 2017

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Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No