

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-18746 of 2017
Date of Decision: 31.05.2017

Gurmej Singh and another

....Petitioners

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Veneet Sharma, Advocate
for the petitioners.

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. 125 dated 25.07.2015 registered for offences punishable under Sections 326, 324 read with Section 34 of Indian Penal Code (for short, "IPC") at Police Station Kambo, Amritsar (Rural), District Amritsar.

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.

Learned counsel for petitioner submits that injuries to the complainant-Kuldeep Singh constituting offence under Section 326 IPC have been attributed to co-accused Kewal Singh. Petitioner no. 1-Gurmej Singh has been attributed simple injury on the shoulder caused by *kirpan* blow while petitioner no. 2-Dhanwant Singh @ Dhanta was empty handed

and has been attributed kick blows.

Learned State counsel submits that though main injury has been attributed to Kewal Singh but both the petitioners have actively participated in the occurrence in which seven injuries were caused to the complainant.

Petitioner no. 1-Gurmej Singh was arrested on 24.04.2017 while petitioner no. 2-Dhanwant Singh @ Dhanta was arrested on 29.04.2017. The case is still under investigation.

Without expressing any opinion on merits of the case and keeping in view the fact that presentation of challan and then conclusion of trial will take considerably long time and no purpose will be served by keeping petitioners behind bars, the present petition is allowed. Petitioners, Gurmej Singh and Dhanwant Singh @ Dhanta are ordered to be released on regular bail on furnishing bail bonds and surety bonds to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

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- (b) In the event of their absence on any date of hearing, the benefit of bail allowed to petitioners shall stand withdrawn.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

May 31, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No