

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

**CRM-M-1930 of 2017**

**Date of Decision: 04.05.2017**

Gurdev Singh @ Bitta

....Petitioner

**VERSUS**

State of Punjab

....Respondent

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

Present: Mr. Manvinder Singh Sidhu, Advocate  
for the petitioner.

Ms. Bhavna Gupta, DAG, Punjab.

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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. 138 dated 06.06.2015 registered for offences punishable under Sections 302, 460 and 380 of Indian Penal Code (for short, "IPC") at Police Station Cantonment Amritsar, District Amritsar.

Heard.

Learned counsel for petitioner submits that prosecution has so far examined 19 out of 24 witnesses and none of the witnesses has supported the case of prosecution. Only the investigating officer remains to be examined.

Learned State counsel submits that case is based on circumstantial evidence, but concedes that Gurjit Singh, main witness, whose statement was got recorded under Section 164 Cr.P.C. before the Magistrate, has turned hostile and not supported the prosecution case.

In view of above but without expressing any opinion on merits

of the case, the present petition is allowed. Petitioner-Gurdev Singh @ Bitta 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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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 04, 2017**  
**jk**

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

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No