

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-23588 of 2017
Date of Decision: 18.07.2017

Gurtej Singh @ Ramna

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

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

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 Ludhaina (Rural). (Offence punishable under Section 326 IPC was added later on).

Heard.

Notice of motion.

On asking of the court, Mr. Ajay Pal Singh Gill, 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 him.

Learned counsel for petitioner submits that co-accused Jagwinder Singh @ Gogi, against whom challan has been presented in this case, was allowed regular bail vide order dated 23.05.2017 passed in CRM-

M-15382-2017. The role attributed to petitioner is that he had caused simple injury to Veer Singh regarding which there is no reference in the FIR.

As per case of prosecution, Harjit Singh had fired shot at father of complainant while Charanjit Singh and Sukhpal Singh had fired shots at uncle of complainant, resulting in death of both of them at the spot.

The role attributed to petitioner is that he was armed with *kirpan* and had caused simple injury to Veer Singh. Jagwinder Singh @ Gogi, who was also armed with *kirpan* and caused simple injury to Veer Singh, has already been released on regular bail vide order dated 23.05.2017 passed in CRM-M-15382-2017. The injury attributed to petitioner is also simple in nature and it is yet to be proved by the prosecution that he was in any manner party to common intention of Harjit Singh, Charanjit Singh and Sukhpal Singh, who killed father and uncle of complainant.

The petitioner was arrested on 07.09.2016 and is in custody since then.

Learned State counsel submits that the police after completion of investigation has presented the challan against the petitioner.

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-Gurtej Singh @ Ramna 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.

July 18, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No