

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-23787 of 2017
Date of Decision: 18.07.2017

Suraj Kalyan @ Gatta

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Jatinderpal Singh, 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.171 dated 13.10.2016 registered for offences punishable under Sections 302, 148 read with Section 149 of Indian Penal Code (for short, "IPC") at Police Station Division no. 5, Jalandhar, District Jalandhar.

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 her.

Learned State counsel submits that the petitioner is though not named in the FIR but his name cropped up during interrogation of co-accused-Pahari, who has stated that complainant, whose son had died because of injuries caused by Ujjagar Singh and others, was caught by the petitioner and not allowed to intervene.

Co-accused, namely, Pahari, Nirmal Kaur @ Nimmo and Vishal @ Mani, who have been attributed injuries on the person of deceased, have already been allowed bail vide common order dated 23.05.2017 passed in CRM-M-10560-2017, CRM-M-13669-2017 and CRM-M-13988-2017.

Keeping in view the role of petitioner as alleged by the prosecution and the fact that co-accused, who have been attributed simple injuries on the person of deceased, have been allowed regular bail, the present petition is allowed. Petitioner-Suraj Kalyan @ Gatta 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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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