

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

**Crl. Misc. No.M-23910 of 2017 (O&M)
Date of Decision: October 04, 2017.**

Kamalpreet Singh @ Sunny

.....PETITIONER(s).

VERSUS

State of Punjab

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Navkiran Singh, Advocate
for the petitioner (s).

Mr. C.L.Pawar, Senior D.A.G., Punjab.

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. 164 dated 31.08.2016 registered for the offences punishable under Sections 307, 324, 148 read with Section 149 of Indian Penal Code and 25 of Arms Act at Police Station Division No. 8, Jalandhar.

Heard.

The petitioner was arrested in this case on 03.09.2016. As per the statement of the complainant, petitioner has been attributed injury on the head of complainant with *Kirpan* which was declared simple in nature. The injury on the head of the complainant i.e. injury No. 20, which was declared grievous in nature, has not been attributed to the petitioner, rather, it has been attributed to co-accused.

Learned State counsel submits that after presentation of challan,

on 15.07.2017. Thereafter, on the application of prosecution under Section 319 Cr.P.C., some more accused were summoned to face trial and charges were re-framed on 29.07.2017. Now the case is fixed for prosecution evidence.

Vide order dated 23.08.2017, trial Court was required to record the statements of PWs Kuljeet Kaur and Lal Chand. On the next date fixed in this case i.e. 25.08.2017, accused Hardeep Singh, Kamalpreet Singh, Amandeep Bagga and Akshay Kumar were not produced by the jail authorities and on the next date i.e. 12.09.2017 no witness had turned up.

Keeping in view the aforesaid facts, nature of injury attributed to the petitioner and that conclusion of trial will take considerable long time, the present petition is allowed. Petitioner Kamalpreet Singh @ Sunny 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- b. In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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 prior permission of the Court.

(SURINDER GUPTA)
JUDGE

October 04, 2017
Jyoti-II

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No