

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-24689 of 2017
Date of Decision: 04.10.2017

Balkaran Singh

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Ankit Joshi, Advocate
for the petitioner.

Mr. C.L. Pawar, Sr. 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.152 dated 30.09.2015 registered for offences punishable under Sections 302, 148 read with Section 149 of Indian Penal Code (for short, "IPC") at Police Station Makhu, District Ferozepur.

Heard.

FIR in this case was registered on the statement of Manjit Kaur, whose husband, namely, Paramjit Singh @ Pamma was mentally sick and on some reference he was taken to Vaid Nachhatar Singh, Ghanda Bana near Rampura Phul. There Paramjit Singh @ Pamma was given injuries by disciples of Vaid Nachhatar Singh with hot *chimtas*, sharp edged weapons, as a result of which he became unconscious. When he gained consciousness he was again given similar injuries. Thereafter, petitioner and Hardeep Singh, who had accompanied Paramjit Singh @ Pamma, were asked to go home. After sometime, Hardeep Singh alongwith some other

persons brought dead body of Paramjit Singh @ Pamma. In postmortem report, nine injuries and two frontal bone fractures were found on the person of deceased-Paramjit Singh @ Pamma.

Learned counsel for the petitioner submits that the petitioner is not named in the FIR. Even in the statement of eye-witness-Daljit Singh, no injury has been attributed to petitioner. He has simply identified petitioner-Balkaran Singh, but has not attributed any role in causing injuries to deceased.

Learned State counsel submits that it is a heinous crime in which deceased had been attributed injuries resulting in his death. Petitioner-Balkaran Singh has been identified by eye-witness in the Court, though, no specific role or injury has been attributed to him. He further submits that in the police file there is no evidence attributing any specific role or injury to petitioner.

Petitioner in this case was arrested on 13.11.2015. The trial is still at the initial stage after summoning of additional accused on the application of prosecution under Section 319 Cr.P.C.

Without expressing any opinion on merits of the case and keeping in view above facts and that no specific role or injury has been attributed to the petitioner and further that conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Balkaran Singh 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.

October 04, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No