

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

**CRM-M-25077 of 2017
Date of Decision: 10.08.2017**

Gurlal Singh @ Lali

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. D.S. Malwai, Advocate
for the petitioner.

Mr. Narinder Singh, Advocate
for the complainant

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.75 dated 12.09.2016 registered for offences punishable under Sections 307, 323, 341, 506, 148 read with Section 149 of Indian Penal Code (for short, "IPC") and 25 of the Arms Act at Police Station Tapa Mandi, District Barnala.

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.

As per case of prosecution, the occurrence took place on 12.09.2016. As per complainant-Saudagar Singh, who later on succumbed to his injuries, he was dragged from the bus by Simarjit Singh @ Simra,

Kamaljit Singh, Harpreet Singh @ Kala, Major Singh and Gurtej Singh @ Teja etc. who have also caused him injuries.

It is submitted that the police on investigation has found all the above named persons except Harpreet Singh @ Kala as innocent and has filed challan against petitioner-Gurlal Singh @ Lali and Harpreet Singh @ Kala. Allegation against the petitioner is that complainant-Saudagar Singh has confided with his son while he was admitted in hospital that the incident had taken place at the instance of petitioner.

Learned State counsel submits that the petitioner has enmity with complainant and was involved in murder case of son of complainant, which has led to present occurrence.

The petitioner was arrested in this case on 13.02.2017 and after completion of investigation, police has presented the challan. Allegations against him are of conspiracy, which are to be seen by the trial Court on the strength of evidence produced before it.

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-Gurlal Singh @ Lali 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.

It is submitted that the police has also added offence punishable under Section 304 IPC in this case, as such, the bail allowed to petitioner be also considered as having been allowed for offence punishable under Section 304 IPC.

August 10, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No