

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-26176 of 2017 (O&M)

Date of Decision: 02.08.2017

Gurleen Singh @ Garry

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Buta Singh Bairagi, 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. 66 dated 29.03.2017 registered for offences punishable under Sections 399, 402, 472 of Indian Penal Code (for short, "IPC") and 25 of the Arms Act, at Police Station City Jagraon, District Ludhiana (Rural).

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, five accused named in the FIR, were apprehended while planning to commit dacoity. During investigation, Baljit Singh @ Neeta suffered a disclosure statement that he alongwith Gurleen Singh @ Garry (petitioner) and other accused have snatched the Scorpio car and .12 bore gun from village Daggru.

Learned counsel for the petitioner submits that for theft of Scorpio car and .12 bore gun, separate cases bearing FIRs No. 9 dated 20.01.2017 and 25 dated 27.03.2017 were registered at Police Station City Moga and Police Station Sadar Moga, District Moga, respectively, in which petitioner was arrested and is on bail. He further submits that co-accused, namely, Tejinder Singh @ Teji, who was also facing similar allegations, has already been allowed regular bail vide order dated 13.07.2017 passed in CRM-M-17664-2017.

Keeping in view the fact that petitioner is on bail in cases pertaining to theft of Scorpio car and .12 bore gun, which are not subject matter of present FIR, and that after investigation police has presented the challan in Court and trial is in progress, conclusion of which will take considerably long time but without expressing any opinion on merits of the case, the present petition is allowed. Petitioner-Gurleen Singh @ Garry 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.

August 02, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No