

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-28414 of 2017
Date of Decision: 11.08.2017

Sukhwinder Singh @ Sukha

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Nitin Narula, 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.196 dated 22.11.2014 registered for offences punishable under Sections 148, 302, 307, 323 read with Section 149 of Indian Penal Code (for short, “IPC”) and 25/27 of the Arms Act, at Police Station Makhu, District Ferozepur.

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.

Learned counsel for the petitioner submits that though the petitioner was named by complainant but the police during investigation has found him innocent. He has now been summoned by the trial Court on the application of prosecution under Section 319 Cr.P.C. as additional accused.

The other co-accused, namely, Gurnam Singh, who had also been summoned by the trial Court on the application of prosecution under Section 319 Cr.P.C., has been allowed regular bail by this Court vide order dated 19.07.2017 passed in CRM-M-8132-2017. It has also been alleged that main accused, namely, Balwinder Singh, Gangadeep Singh and Harbhajan Singh have also been allowed regular bail in this case.

Keeping in view the fact that allegations against the petitioner, who was found innocent by the police during investigation, are yet to be proved by leading evidence and further that conclusion of trial will take considerably long time but without expressing any opinion of merits of the case, the present petition is allowed. Petitioner-Sukhwinder Singh @ Sukha 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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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 11, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No