

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-31495 of 2017
Date of Decision: 12.09.2017

Jaspal Singh

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Ms. Satwant Mehta, Advocate
for the petitioner.

Mr. Sarabjit 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.101 dated 17.09.2015 registered for offences punishable under Sections 307, 324, 325, 326, 323, 148 read with Sections 149 and 120-B of Indian Penal Code (for short, "IPC") at Police Station Jhabal, District Tarn Taran.

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.

The occurrence allegedly took place on 16.09.2015 and the police registered FIR on the statement of Sher Pratap Singh recorded on 17.09.2015. Admittedly, the petitioner was not named in the FIR.

Learned State counsel submits that the police recorded

supplementary statement of Sher Pratap Singh on 29.09.2015 wherein he had named petitioner and attributed him two injuries caused by *datar*, a sharp edged weapon, which were declared simple in nature. The opinion regarding injury no. 7, which was initially declared simple on re-examination, was never obtained by the police. The police has also presented challan keeping the enquiry against petitioner and other four accused pending. The trial Court has summoned petitioner as additional accused, after recording statement of complainant and injured, on the application of prosecution under Section 319 Cr.P.C.

The petitioner was arrested in this case on 09.04.2017. The trial is in progress.

The police, though kept the enquiry against petitioner and other accused pending, has not presented the challan against them in Court.

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-Jaspal 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.

September 12, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No