

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M No. 35091 of 2017

DATE OF DECISION :- December 15, 2017

Gursewak Singh alias Mithu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE H.S. MADAAN

Present:- Mr. P.S. Ahluwalia, Advocate for the petitioner.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab.

Mr. Amandeep Singh Rai, Advocate for the complainant.

This petition for regular bail has been filed by petitioner Gursewak Singh alias Mithu, an accused in F.I.R. No. 183 dated 17.11.2016 for offences under Sections 307, 326, 325, 323, 341 and 148 read with Section 149 of the Indian Penal Code registered with Police Station Sadar Samana, District Patiala.

Briefly stated the prosecution story is that on 17.11.2016 at about 1.00 P.M. in the are of village Fateh Majri, accused Satnam Singh, Kaka Singh, Gursewak Singh @ Mitha, Soni Singh, Darshan Singh and Jasbir Singh formed an unlawful assembly armed with deadly weapons and in prosecution of a common object of the said unlawful assembly, Gurwinder Singh had caused injuries on forehead of Khem Singh with Gandasa from reverse side with an intention to kill him, whereas Soni Singh and Gurmeet Singh had caused grievous hurt to Khem Singh with a sharp

pointed iron rod. The role assigned to Gursewak Singh and Darshan Singh is that they had voluntarily caused grievous hurt to Khem Singh with butt of the gun.

Accused Gursewak Singh was arrested in this case on 22.12.2016. After completion of investigation and other formalities, the accused were challenged and presently they are facing trial in the Court of Additional Sessions Judge, Patiala.

An application for grant of regular bail was moved in the Court of Sessions but was dismissed, as such the petitioner has approached this Court praying for grant of similar relief. This request is being opposed by the learned State counsel and learned counsel for the complainant.

I have heard learned counsel for the petitioner, learned State counsel and learned counsel for the complainant besides going through the record.

I find that the injury attributed to the present petitioner is covered by Section 325 of the Indian Penal Code and he has been charge sheeted for that offence besides other offences but that is as a member of the unlawful assembly. His co-accused Satnam Singh, Jasvir Singh and Kaka Singh since been granted regular bail by the coordinate Benches of this Court vide orders dated 24.5.2017 and 7.7.2017 in CRM-M-13865 of 2017 and CRM-M-20608 of 2017. While granting bail to Jasvir Singh, the coordinate Bench has observed that the medical Board on the basis of record opined vide order dated 11.4.2017 that injuries received even collectively do not amount to dangerous to life; that the complainant is a person of criminal antecedents and is involved in as many as 07 FIRs. That

has been those observations that are there as per the submissions made by the learned counsel for the petitioner. It is also observed that State counsel acknowledges the factum of deletion of Section 307 IPC. The State counsel states this fact on instructions from ASI Sarbjit Singh.

The trial is likely to take some time, as such without going into the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail on furnishing bail bond and surety bond to the satisfaction of the learned trial Court/CJM/Duty Magistrate, Patiala subject to the following conditions : -

- (i) He shall appear in the Court on each and every date of hearing.
- (ii) He shall not give any threat or intimidation to the prosecution witnesses.
- (iii) He shall not leave India without prior permission of the Court.

In addition to that the trial Court may impose any term and condition found suitable to ensure that the petitioner does not abscond and interfere in the trial.

In case the petitioner violates any term and condition on which the bail has been granted to him, the prosecution would be entitled to apply for cancellation of bail.

(H.S. MADAAN)
JUDGE

December 15, 2017

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Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No