

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-35110 of 2017
Date of Decision: 26.09.2017

Gursahib Singh @ Sahib Singh

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

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

Mr. Sarbjit 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, 149 read with Section 120-B of Indian Penal Code (for short, "IPC") and 25/27 of the Arms Act, at Police Station Jhabal, District Tarn Taran.

Heard.

Notice of motion.

On asking of the court, Ms. Simranjeet Kaur, AAG, 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 her.

Learned counsel for petitioner submits that co-accused, namely, Jaspal Singh, who was also summoned by the trial Court on application of prosecution under Section 319 Cr.P.C., has been allowed bail vide order

dated 12.09.2017 passed in CRM-M-31495-2017. The petitioner has not been attributed any specific injury in the occurrence and police has presented the challan keeping enquiry against the petitioner pending.

Learned State counsel assisted by learned counsel for the complainant submits that in his supplementary statement complainant has attributed injuries no. 3 to 7 on the head of complainant to co-accused Jaspal Singh and the petitioner. However, neither of the aforesaid injuries was declared grievous or dangerous to life.

Applying the principle of parity with co-accused Jaspal Singh 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-Gursahib Singh @ Sahib 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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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 26, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No