

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-36539 of 2016
Date of Decision: 19.01.2017

Resham Chand Kaler

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Sanjeev Pandit , Advocate
for the petitioner.

Mr. Ashish Sanghi, DAG, Punjab.

Mr. D.K. Prajapati, 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. 205 dated 05.11.2015 registered for offences punishable under Sections 302, 307, 326, 324, 148 and 149 read with Section 120-B of Indian Penal Code (for short 'IPC') and Sections 25 and 27 of the Arms Act, at Police Station Sadar Jalandhar, District Jalandhar.

Heard.

Notice of motion.

On asking of the Court, Mr. Ashish Sanghi, 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.

Allegation against the petitioner is that he was main conspirator

died at the spot while complainant and his nephew Jiwan Kaler were caused injuries with sword.

It is a case of land dispute. The petitioner was arrested in this case on 06.11.2015 and the challan has already been presented. No injury has been attributed to petitioner.

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-Resham Chand Kaler 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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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.

January 19, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No