

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

**Crl. Misc. No.M-43400 of 2017 (O&M)
Date of Decision: November 21, 2017.**

Gulshan Kumar @ Sheru

.....PETITIONER(s).

VERSUS

State of Punjab

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Ramesh Chand Sharma, Advocate
for the petitioner (s).

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.91 dated 17.09.2017 registered for the offences punishable under Sections 399, 402, 473 of Indian Penal Code (for short-IPC), at Police Station Badhni Kalan, District Moga.

Heard.

Notice of motion.

On asking of the court, Mr. Sandeep Kumar, 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.

On 17.09.2017, ASI Iqbal Hussain of Police Station Badhni Kalan received a secret information that Gurpreet Singh alias Peeti,

Harpreet Singh alias Honey, Gulshan Kumar alias Sheru (petitioner), Balwinder Singh @ Balli and Anmol Singh have assembled in the Canal Rest House, Daudhar and are carrying deadly weapons and a Figo Car bearing No.PB-10DV-8191. They were planning to commit dacoity. A raid was conducted and all the aforesaid persons were arrested with their respective weapons. From the petitioner, a baseball bat was recovered.

Learned counsel for the petitioner submits that there is no other case against the petitioner, who has been falsely implicated in this case. He was arrested on 17.09.2017 and the case is still at the stage of investigation.

Learned State counsel submits that recovery of baseball bat was effected from the petitioner while his co-accused were having pistol of .32 bore and baseball bats.

It is a matter to be seen by the Investigating Officer as to whether provisions of Section 399 and 402 IPC are attracted in this case. Challan has not been filed so far. Completion of investigation, presentation of challan and then trial will take considerably long time.

Keeping in view the above facts but without expressing any opinion on merits of the case, the present petition is allowed. Petitioner Gulshan Kumar @ Sheru is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned 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 prior permission of the Court.

(SURINDER GUPTA)
JUDGE

November 21, 2017
Sachin M.

Whether speaking/reasoned: ***Yes/No***

Whether Reportable: ***Yes/No***