

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

**CRM-M-45800 of 2017**

**Date of Decision: 08.12.2017**

Binder Singh

....Petitioner

**VERSUS**

State of Haryana

....Respondent

**CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA**

Present: Mr. Gurdarshan Singh Sidhu, Advocate  
for the petitioner.

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**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.224 dated 13.08.2016 registered for offences punishable under Sections 302/120-B/34 of Indian Penal Code (for short, "IPC") and 25/27 of the Arms Act, at Police Station Kalanwali, District Sirsa.

Heard.

Notice of motion.

On asking of the court, Mr. Amrik Narwal, DAG, Haryana., 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.

FIR in this case was registered on the statement of Janta Singh, whose son Gurjit Singh was murdered on 13.08.2016. As per the allegations in the FIR, Gurjit Singh had a quarrel with Mindi resident of village Behman Kaur Singh Wala, 3-4 days after the incident, four persons came in a vehicle to the house of complainant and on seeing them, his son Gurjit

Singh jumped the wall of the house and ran away. Those persons hurled abuses and left the place after pointing a pistol. Gurjit Singh apprised the complainant that out of those four persons, one was Jagga Singh and another was Mindi Singh. On 13.08.2016, Gurjit Singh was taken by Binder Singh son of Lakhvir Singh on his motorcycle and information was conveyed to the complainant at about 4.00 p.m. that his son has been murdered by Mindi Singh and Vilayati Singh.

Learned counsel for petitioner submits that only allegation against the petitioner is that he had taken away deceased-Gurjit Singh on his motorcycle. However, complainant and other witnesses while appearing in Court have not supported the prosecution version in this regard. Co-accused, namely, Jagsir Singh @ Jagga has already been allowed regular bail in this case vide order dated 21.11.2017 passed in CRM-M-42772-2017.

Learned State counsel submits that main accused in this case are Manjinder Singh @ Mindi and Vilayati. The prosecution witnesses have not supported the case of prosecution that the petitioner had was taken away deceased on his motorcycle.

Keeping in view the fact that allegations against the petitioner have not been supported by prosecution witnesses but without expressing any opinion on merits of the case and taking note of the fact that conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Binder 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.

**December 08, 2017**  
**jk**

**( SURINDER GUPTA )**  
**JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No