

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-5488 of 2017

Date of Decision: 03.03.2017

Har pal Singh

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Gagandeep Singh Simble, Advocate
for the petitioner (s).

Ms. Bhavna Gupta, D.A.G. Punjab.

Ms. M.S. Saini, 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. 46 dated 05.09.2016 registered for offences punishable under Sections 341, 353, 186, 332, 323, 506, 148 read with Section 149 of Indian Penal Code (for short, "IPC") and 25/27 of the Arms Act, at Police Station Nangal, District Batala.

Learned counsel for the petitioner submits that the petitioner was neither named in the FIR nor any recovery was effected from him. The other three accused from whom recovery was effected were allowed interim anticipatory bail. The petitioner was arrested in this case on 19.01.2017 and is in judicial custody.

Learned State counsel submits that FIR was registered on the statement of Harpal Singh but the petitioner has been named by injured Kuldeep Singh, who is stated his presence at the time of occurrence, when

both Harpal Singh and Kuldeep Singh were caused injuries by the accused persons. However, no specific injury has been attributed to the petitioner.

Learned counsel for the petitioner further submits that in this case police has added offence punishable under Sections 333 and 325 IPC.

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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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

Offences punishable under Sections 333 and 325 IPC are not mentioned in the FIR as these are added later on by the police. The bail allowed to the petitioner shall also be under Sections 333 and 325 IPC.

March 03, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No