

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M- 8132 of 2017
Date of Decision: 19.07.2017

Gurnam Singh

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. K.B. Raheja, Advocate
for the petitioner.

Ms. Rajni Gupta, Sr. DAG, Punjab.

Mr. Lajpat Sharma, 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.196 dated 22.11.2014 registered for offences punishable under Sections 148, 302, 307, 323 read with Section 149 of Indian Penal Code (for short, "IPC") and 25/27 of the Arms Act, at Police Station Makhu, District Ferozepur.

Heard.

As per allegation in the FIR, the petitioner has been attributed *gandasi* blow on the person of complainant-Partap Singh.

Learned State counsel on instructions from ASI Sona Singh submits that there is no MLR on police file of complainant-Partap Singh and during investigation the petitioner was found innocent.

The petitioner was summoned by the trial Court on the application under Section 319 Cr.P.C. moved by the prosecution to face trial

as additional accused. He is in custody since 19.01.2017.

It has been stated that main accused, namely, Balwinder Singh, Gagandeep Singh and Harbhajan Singh have already been allowed regular bail in this case.

Keeping in view the fact that allegations against the petitioner, who was found innocent by the police during investigation, are yet to be proved by leading evidence and further that conclusion of trial will take considerably long time but without expressing any opinion on merits of the case, the present petition is allowed. Petitioner-Gurnam 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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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.

July 19, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No