

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-9732 of 2017

Date of Decision: 28.03.2017

Ajaib Singh

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Pardeep Kumar, Advocate
for Mr. Amandeep Singh Cheema, Advocate
for the petitioner.

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. 30 dated 29.04.2016 registered for offences punishable under Sections 364, 302, 201 read with Section 120-B of Indian Penal Code (for short, "IPC") at Police Station Cheema, District Sangrur.

Heard.

Notice of motion.

On asking of the court, Mr. Jashanpreet Singh, AAG, 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.

Learned counsel for the petitioner submits that FIR was registered on the basis of secret information that the petitioner alongwith his co-accused have kidnapped and killed Randhir Singh @ Dheera. Petitioner is an old man of 70 years and no specific evidence or motive against him has been proved.

Learned State counsel submits that the case is based on circumstantial evidence. The trial is still continuing. Keeping in view the gravity of offence, the bail cannot be allowed to the petitioner at this stage.

Admittedly, witnesses before whom the petitioner has made extrajudicial confession have not supported the prosecution case.

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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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

March 28, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No