

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-11431-2018 (O&M)

Date of Decision: 14.5.2018

Gursewak Singh @ Sewak Singh

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Amit Goyal, Advocate
for the petitioner.
Mr. R.K.Makkad, DAG, Haryana.

RAJ SHEKHAR ATTRI, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure (for short, "Cr.P.C.) for grant of regular bail to the petitioner in case FIR No.224 dated 13.8.2016 registered for the offences punishable under Sections 302, 120-B, 34 of Indian Penal Code (for short, "IPC") and Sections 25, 27 Arms Act at Police Station Kalanwali, District Sirsa.

Heard.

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 (petitioner) 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.

This case is based on circumstantial evidence. Learned State counsel has conceded that there is no evidence against the petitioner at this stage. Apart from it, co-accused have already been granted bail.

Without expressing any opinion on merits of the case and keeping in view the fact that conclusion of trial will take considerably long time and on the basis of parity, the present petition is allowed. Petitioner- Gursewak Singh @ Sewak Singh son of Baljinder Singh is ordered to be released on regular bail subject to the conditions, if any, and on furnishing bail bond and surety bond to the satisfaction of the 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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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.

May 14, 2018

Paritosh Kumar

**(RAJ SHEKHAR ATTRI)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No