

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

CRM-M-13025-2018

Date of decision:-10.5.2018

Amarjit Singh alias Ambi

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Ms.Mannat Anand, Advocate
for the petitioner.

Mr.Saurav Khurana, DAG, Punjab.

Mr.Amandeep Singh Rai, Advocate
for the complainant.

H.S. MADAAN, J.

This petition for regular bail has been filed by petitioner –
Amarjit Singh alias Ambi – an accused in FIR No.183 dated 17.11.2016,
under Sections 341, 323, 324, 325, 326, 356, 182, 192, 193, 194, 211,
506, 148, 149, 120-B and 201 IPC and Section 25 & 27 of Arms Act,
registered with Police Station Sadar, Samana, District Patiala.

Briefly stated, the facts of the case as per prosecution story
are that on 17.11.2006 at about 1:00 p.m. in the area of village Fateh
Majri, accused Satnam Singh, Kaka Singh, Gursewak Singh @ Mitha,
Soni Singh, Darshan Singh and Jasbir Singh formed an unlawful assembly
armed with deadly weapons and in prosecution of common object of the
said unlawful assembly, Gurwinder Singh had caused injuries on forehead

of Khem Singh with a gandasa from its reverse side with an intention to kill him, whereas Soni Singh and Gurmeet Singh had caused grievous hurt to Khem Singh with a sharp pointed iron rod, accused Gursewak Singh and Darshan Singh had voluntarily caused grievous hurt to Khem Singh with butt of the gun. In this case the role assigned to the petitioner is that he had caught hold of the complainant from his right leg. Petitioner Amarjit Singh alias Ambi was declared as proclaimed offender vide order dated 1.7.2017 and he was arrested in this case on 22.7.2017. After completion of investigation and other formalities, the accused were challaned. The petitioner had filed an application for regular bail in the Court of Sessions, which was declined by learned Additional Sessions Judge, Patiala vide order dated 9.3.2018, as such, he has approached this Court with the same request.

Notice of the petition was given to respondent – State and counsel representing the State has put in appearance. The complainant has also appeared through counsel.

I have heard learned counsel for the parties besides going through the record.

In this case the role assigned to the petitioner is that he had caught hold of the complainant from his right leg, whereas the injury was caused by accused Gurmeet Singh. Offence under Section 307 IPC has since been deleted. Several of the co-accused of the petitioner, namely, Satnam Singh, Kaka Singh, Jasvir Singh, Gursewak Singh @ Mitha have been granted bail. Though it is stated that the petitioner was declared a proclaimed offender vide order dated 1.7.2017 but then keeping in view

the fact that he is in custody for last more than 9 months and the conclusion of trial is likely to take some time, I am of the view that the petitioner deserves to be granted concession of bail, although on stringent terms and conditions. Therefore, the petitioner be admitted to bail during the pendency of the trial, subject to his furnishing bail bonds and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate, Patiala, subject to the following conditions:

- (i) he shall appear in the Court on each and every date of hearing;
- (ii) he shall not give any threat or intimidation to the prosecution witnesses; and
- (iii) he shall not leave India without prior permission of the Court.

The Court accepting bonds would ensure that two local sureties who are financially sound having immovable properties within jurisdiction of the Court furnish the bonds. The petitioner be asked to surrender his passport. In addition to that the trial Court may impose any term and condition found suitable to ensure that the petitioner does not abscond and interfere in the trial.

In case the petitioner violates any term and condition on which the bail has been granted to him, the prosecution would be entitled to apply for cancellation of bail.

10.5.2018
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(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No