

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

Criminal Misc. No.M- 1458 of 2018(O&M)

Date of Decision: January 25 , 2018.

Balwinder Singh @ Gaggi

..... PETITIONER (s)

Versus

State of Punjab

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Satwant Singh Rang, Advocate
for the petitioner.

Ms. Monika Jalota, DAG, Punjab.

Mr. Saransh Sabharwal, Advocate
for the complainant.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

LISA GILL, J.

The petitioner prays for bail pending trial in FIR No.64 dated 13.07.2017 under Sections 307/364/367/354/323/325/148/149 IPC read with Section 25 of the Arms Act, 1959, registered at Police Station Bhadson, District Patiala.

It is submitted that the petitioner has been falsely implicated in this case as he is a friend of co-accused Shamsher Singh. In fact, the complainant had a dispute with Shamsher Singh, Karnail Singh and Bikar Singh who are

specifically named in the FIR. As per the FIR, alongwith the said three persons there were three other unknown persons with muffled faces at the time of the incident on 13.07.2017. It is in the supplementary statement of the complainant recorded on 28.07.2017 that the present petitioner has been named. It is argued that in the said supplementary statement, the petitioner has not been attributed with any injury to the complainant. Moreover, the similarly situated co-accused Pargat Singh has been afforded the concession of bail pending trial on 11.01.2017 in CRM No.M-42106 of 2017. It is thus prayed that this petition be allowed.

Learned counsel for the State, on instructions from ASI Gursharan Singh, verifies that the petitioner is not involved in any other criminal case. Challan/report under Section 173 Cr.P.C. has since been presented. It is not in dispute that in the supplementary statement of the complainant recorded on 28.07.2017, no injury has been attributed to the present petitioner. Injuries on her legs are attributed to co-accused Shamsheer Singh.

There are no allegations on behalf of the State that the petitioner is likely to abscond or that he is likely to dissuade the witnesses from deposing true facts before the Court, if released on bail. Trial in this case is not likely to conclude in the near future.

Keeping in view the facts and circumstances of the case but without commenting upon or expressing any opinion on the merits thereof, this petition is allowed. The petitioner be released on bail pending trial subject to his furnishing requisite bail bonds and surety to the satisfaction of the learned Trial Court.

It is made clear that the petitioner shall not directly or indirectly try

to contact the complainant-prosecutrix/any of her family members or witnesses in this case. Any such infraction on the part of the petitioner may entail cancellation of his bail.

It is clarified that none of the observations made hereinabove shall be construed to be a reflection on the merits of the case. The same are solely confined for the purpose of decision of the present petition.

January 25 , 2018.
'om'

(LISA GILL)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No