

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-18148 of 2018
Date of Decision: 07.05.2018

Pritpal Singh

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Gulshan Sharma, 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. 177 dated 30.10.2017 registered for the offences punishable under Sections 302, 307 read with Section 34 of Indian Penal Code (for short, "IPC") and 25 of the Arms Act, at Police Station City Patti, District Tarn Taran.

Heard.

Notice of motion.

On asking of the court, Ms. Monika Jalota, DAG, 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 her.

Learned counsel for the petitioner submits that petitioner is not named in the FIR. On the day of occurrence, he was present in Chandigarh. Even otherwise as per allegations in FIR, three young men came to the spot and murdered Amandeep Singh, brother of complainant. The petitioner is 58 years old and is not a young man. There is no evidence of his involvement

in the entire case.

Learned State counsel submits that the prosecution is not claiming presence of petitioner at the spot of occurrence. He is father of main accused, namely, Gursewak Singh, who is still absconding. Though, the petitioner has not been named in the FIR but the complainant in his supplementary statement has alleged that Amandeep Singh has been murdered under a conspiracy with petitioner. The challan against him has been presented under Section 302 read with Section 120-B IPC.

The petitioner was arrested in this case on 01.11.2017. In the FIR, no allegation has been levelled against him. However, he has been named as conspirator in the supplementary statement of complainant.

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-Pritpal 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.

As the challan against petitioner has been presented under Section 302 read with Section 120-B IPC, Registry is directed to add Section 120-B IPC in the headnote of the petition.

The above order shall also be read as allowing bail for offence punishable under Section 120-B IPC.

May 07, 2018
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No