

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-18938 of 2018

Date of Decision: 25.05.2018

Sajjan Singh

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Vineet K. Jakhar, Advocate
for the petitioner.

Mr. Amandeep Singh Gill, Sr. DAG, Punjab.

Mr. Amrinderjit Singh, Advocate
for the complainant.

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.13 dated 14.03.2017 registered for the offences punishable under Sections 302/34 of Indian Penal Code (for short, "IPC") and 25/27 of the Arms Act, at Police Station Bhaini Mian Khan, District Grudaspur.

Heard.

As per case of prosecution, father of complainant was caught hold by petitioner and his co-accused, namely, Sumeet Singh (since proclaimed offender) and at the *lalkara* of Sumeet Singh, Surjit Singh (since deceased) fired shot at father of complainant, which hit on his neck. On being taken to hospital, he was declared dead.

Learned State counsel submits that challan has been presented and charges have also been framed against the petitioner. He submits that main accused Surjit Singh has already died while co-accused, namely, Sumeet

Singh is proclaimed offender. Petitioner has been falsely implicated in this case due to political rivalry. The prosecution version that petitioner alongwith Sumeet Singh had caught hold of deceased, who was fired from a distance by Surjit Singh is improbable on the face of it as nobody will take risk of being fired towards him.

Petitioner was not armed at the time of occurrence. Probability of prosecution version will be subject of judicial scrutiny during trial which call for no comments at this stage. However, keeping in view the period of incarceration of petitioner; that conclusion of trial will take time and that main witnesses have already been examined, but without expressing any opinion on merits of the case, the present petition is allowed. Petitioner-Sajjan 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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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.

May 25, 2018
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No