

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

**Crl. Misc. No.M-2749 of 2018 (O&M)
Date of Decision: May 23, 2018**

Baldev Singh

.....PETITIONER(s).

VERSUS

State of Punjab

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Vivek Goel, Advocate
for the petitioner (s).

Mr. Amandeep S. Gill, Senior D.A.G. Punjab.

Mr. N.S. Dandiwal, 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.185 dated 23.11.2014 registered for the offences punishable under Section 307 read with Section 34 of Indian Penal Code (for short-IPC) and Section 328 IPC added later on, at Police Station Bagha Purana, District Moga.

Heard.

Custody certificate of the petitioner filed, which is taken on record. As per custody certificate, petitioner was arrested in this case on 28.11.2014 and since then he is in custody. By now, he has undergone imprisonment of three years, five months and twenty four days.

Learned State counsel submits that prosecution had earlier

closed the evidence and application was moved to summon the doctor, who had conducted CT Scan of injured. Thereafter, application was moved to summon Dr. Gurjinder Singh Bajwa in place of Dr. Sonam Walia, who had conducted the CT scan. That application was declined and against that order, complainant has filed petition under Section 482 Cr.P.C. in which passing of final order has been stayed vide order dated 07.07.2017.

Petitioner is facing the trial for the offence punishable under Section 307 IPC. Keeping in view the period of incarceration of the petitioner and that due to stay of passing final order, conclusion of trial will take considerably long time but without expressing any opinion on merits of the case, the present petition is allowed. Petitioner Baldev Singh is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned 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- b. In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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 prior permission of the Court.

May 23, 2018
Sachin M.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No