

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-28704 of 2018
Date of Decision: 12.11.2018

Gurpreet Singh @ Pola

....Petitioner

VERSUS

State of Punjab and another

....Respondent

CORAM:- HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. A.S.Barnala, Advocate
for the petitioner.

Mr. Saurav Khurana, DAG, Punjab.

Mr. S.S.Kaushik, Advocate, for
Mr. Daljit Singh, Advocate,
for respondent No.2.

RAJ SHEKHAR ATTRI, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure (in short, "Cr.P.C".) for grant of regular bail to the petitioner in case FIR No.10 dated 19.2.2018 registered for the offences punishable under Sections 323, 326, 341, 506, 34 of Indian Penal Code (for short, "IPC") at Police Station Mullanpur Garibdass, District SAS Nagar, Mohali.

Heard.

The injury attributed to the petitioner was found to be grievous. Previously, it was submitted on behalf of the complainant-respondent No.2 that the complainant injured has undergone surgical operations and he spent a sum of ₹ 1.25 lacs.

Now the statement of the complainant/injured has been

recorded. Co-accused Gurmail Singh @ Sewak has already been granted

regular bail by this Court vide order dated 22.10.2018 passed in CRM-M-42055-2018.

Learned counsel for petitioner submits that the petitioner is ready to pay some amount as interim compensation to the victim on account of economic loss, pain and suffering.

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. However, keeping in view the facts and circumstances of the case, this Court deems it appropriate that interim compensation must be awarded to the victim.

In view of the above, this Court assessed the interim compensation to the tune of ₹ 70,000/-. The compensation amount shall be paid either through cash or bank draft in the name of the victim and that shall be tendered before the learned Magistrate at the time of submitting bail bonds. This amount shall be without prejudice to the rights of the parties and shall be subject to the outcome of the trial. Learned Magistrate shall disburse this amount to the victim on his submitting surety of the equal amount that in the event of the Court directs to return this amount, he shall return and on his failure to do so, the surety shall be liable.

On payment of the aforesaid amount of ₹ 70,000/- in the mode and manner stated above, petitioner Gurpreet Singh @ Pola son of Mewa Singh 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.

November 12, 2018

Paritosh Kumar

**(RAJ SHEKHAR ATTRI)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No