

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-28880 of 2018
Date of Decision: 16.08.2018

Kuldeep Singh @ Deepu

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Harkanwar Jeet Singh, Advocate
for the petitioner.

Mr. Amitoj Singh Dhaliwal, DAG, Punjab.

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.190 dated 28.10.2017 registered for offences punishable under Sections 302/323/324/148/149 of Indian Penal Code (for short, "IPC") at Police Station City-I Abohar, District Fazilka.

Heard.

Learned counsel for the petitioner submits that complainant party had enmity with Surjan Singh and his sons. Petitioner is driver of Surjan Singh.

As per allegations in the complaint, Ladi and Money sons of Surjan Singh gave *kirpan* blows to deceased-Mangu Singh while Nanak Singh had given a *kirpan* blow on the eye of Mangu Singh. As per allegations in the FIR, Kuldeep Singh @ Deepu (petitioner) and Bittu sons of Baldev Singh were also present at the spot alongwith *sotas/dandas*. No specific injury has been attributed to them and allegations have been

levelled that all the persons, who were allegedly 11 in number, caused injuries to Mangu Singh, Amrik Singh, Surjit Singh and Rashpal Singh.

Learned State counsel submits that though no specific injury has been attributed to petitioner but there is allegation against all the persons present at the time of occurrence that they had caused injuries on the person of Mangu Singh, when he was lying on the ground. From possession of petitioner a *danda* of 4 ½ ft. was recovered which was having blood stains on one end. Death of Mangu Singh was caused due to trauma suffered by him because of injuries caused to him.

Complainant has not alleged any enmity with petitioner. Though, his presence at the spot has been mentioned in the FIR, there is no evidence that death of Mangu Singh was caused because of injuries caused by the petitioner. Without expressing any opinion on merits of the case and keeping in view the fact that petitioner was arrested on 17.11.2017 and conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Kuldeep Singh @ Deepu 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.

August 16, 2018
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No