

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

**Crl. Misc. No.M-35286 of 2018 (O&M)
Date of Decision: August 21, 2018**

Kuldeep Singh

.....PETITIONER(s).

VERSUS

State of Punjab

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Anupam Singla, Advocate
for the petitioner (s).

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. 48 dated 01.03.2018 registered for the offences punishable under Sections 341, 323, 304 read with Section 34 of Indian Penal Code, at Police Station Nathana, District Bathinda.

Heard.

Notice of motion.

On asking of the court, Mr. Sandeep Kumar, D.A.G. 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 him.

As per the FIR, occurrence took place on 28.02.2018 at about 8.00 p.m. The allegations against the petitioner is that he had given a dang blow on the head of deceased Mithu Singh, who died on 04.03.2018.

Brother of petitioner Jeet Singh has been attributed *Kulhari* (axe) blow on the head of Mithu Singh (deceased). The petitioner was arrested on 29.03.2018, however, co-accused Jeet Singh is yet to be arrested.

Learned State counsel on instructions from ASI Chaman Lal, submits that as per the post-mortem report, head injury on the person of Mithu Singh has resulted in his death and both the injuries on the head of deceased were caused by blunt weapon.

Keeping in view the above facts and that conclusion of trial will take considerably long time, but without expressing any opinion on merits of the case, the present petition is allowed. Petitioner Kuldeep 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- b. In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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 prior permission of the Court.

August 21, 2018
Sachin M.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No