IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

1. CRM-M-36781 of 2018
Date of Decision: 20.09.2018

Karamjit Singh ....Petitioner

VERSUS

State of Punjab ....Respondent

2. CRM-M-36844 of 2018

Jiwan Singh @ Pappa ....Petitioner

VERSUS

State of Punjab ....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Vivek Goel, Advocate
for the petitioners in both the petitions.

Mr. Ramandeep Sandhu, Sr. DAG, Punjab.

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SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to petitioners in case FIR No. 185 dated 23.11.2014 registered for offences punishable under Sections 307/34 of Indian Penal Code (for short, "IPC") at Police Station Bagha Purana, District Moga. (Offence punishable under Section 328 IPC was added later on).

Heard.

Learned counsel for petitioners submits that petitioners are in custody since 27.11.2014. The main accused, namely, Baldev Singh, who has been attributed injuries to father of complainant with *kirpan* has been released on regular bail by this Court vide order dated 23.05.2018 passed in

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CRM-M-2749-2018.

As per allegations in the FIR, petitioner-Karamjit Singh (CRM-M-36781-2018) was armed with *brickbat* while petitioner-Jiwan Singh @ Pappa was armed with spade. No specific injury has been attributed to them.

Learned State counsel submits that trial in this case remained stayed due to revision filed against order on application under Section 311 Cr.P.C. moved by the prosecution, which has now been decided and the evidence will be concluded shortly.

Keeping in view the fact that main accused, namely, Baldev Singh has already been allowed regular bail vide order dated 23.05.2018 passed in CRM-M-2749-2018 and the period of incarceration of petitioners but without expressing any opinion on merits of the case, the present petition is allowed. Petitioners, namely, Karamjit Singh in CRM-M-36781-2018 and Jiwan Singh @ Pappa in CRM-M-36844-2018 are 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) Petitioners shall comply with the conditions mentioned in Section 437(3) Cr.P.C.

(b) In the event of their 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 their bail bonds and surety bonds and proceed to procure their presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.

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(c) They shall not leave the country without the previous permission of the Court.

September 20, 2018 **(SURINDER GUPTA)**
jk **JUDGE**

Whether speaking/reasoned Yes/No

Whether reportable Yes/No

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