

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

**Crl. Misc. No.M-41150 of 2018 (O&M)
Date of Decision: September 24, 2018**

Gurjeet Singh alias Tidda

.....PETITIONER(s).

VERSUS

State of Punjab

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. R.S. Sekhon, 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. 131 dated 30.10.2017 registered for the offences punishable under Sections 307, 326, 324, 323, 148 read with Section 149 of Indian Penal Code (later on Sections 148, 149 IPC have been deleted and Section 34 IPC has been added), at Police Station Kotbhai, District Sri Muktsar Sahib.

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 case of the prosecution, occurrence took place on

29.10.2017. The dispute arose when the complainant snatched his mobile which was on charge from Malkeet Singh @ Sawi, who had picked up the same. After 15 minutes, petitioner along with Malkeet Singh alias Sawi, 3/4 unidentified persons accompanying Jagdev Singh alias Bhola came to the spot and started abusing the complainant, who was also caused injuries by them. Petitioner has been attributed *kirpan* blow on the lip of complainant.

Learned counsel for the petitioner submits that though the FIR has been registered for the offence punishable under Section 307 IPC, however, no injury was declared as '*dangerous to life*'. Two grievous injuries which were found on right hand and thumb of right hand, are not on vital parts of the body. The petitioner was arrested on 04.11.2017 and after completion of investigation, challan against him has already been presented in the court. The case is still at the trial stage, which will take considerably long time, as such, the petitioner be granted regular bail in this case.

Learned State counsel submits that petitioner, though has attributed simple injury but he is accused in 5/6 other cases, out of which he has been convicted in two cases.

As per the list of cases supplied by learned State counsel, one case against the petitioner is for offence punishable under Section 323, 452 IPC pertained to the year 2009; in three cases, he is undertrial while in one more case bearing FIR No.57 registered on 15.09.2015 at Police Station Kotbhai, he has been convicted.

The fact to be seen in this case is that petitioner has been attributed simple injury for which he has been in custody for the last about 10 months.

Keeping in view the above facts but without expressing any opinion on merits of the case and the fact that conclusion of trial will take considerably long time, the present petition is allowed. Petitioner Gurjeet Singh alias Tidda 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.

September 24, 2018
Sachin M.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned: ***Yes/No***

Whether Reportable: ***Yes/No***