

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-7343 of 2018

Date of Decision: 29.10.2018

Gurmail Singh @ Geja

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Jasbir Singh Gill, Advocate
for the petitioner.

Mr. Ramandeep Sandhu, Sr. 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.307 dated 21.12.2015 registered for the offence punishable under Section 302 read with Section 34 of Indian Penal Code (for short, "IPC") at Police Station Tanda, District Hoshiarpur.

Heard.

As per case of prosecution, son of complainant, namely, Manga, aged about 22 years was left at the house of complainant at about 11.30 p.m. by petitioner and his co-accused, Des Raj @ Desu. He was unconscious at that time. Complainant was apprised that petitioner and his co-accused, Des Raj @ Desu, had taken away Manga at about 11.00 p.m. in their trolley and given him beatings. Des Raj @ Desu also gave slaps to Manga, when they left him at the house of complainant.

Learned State counsel submits that as per medical report, the deceased had either consumed or was made to consume aluminum

phosphate. Complainant, his wife and Bhagwan Singh have appeared before the trial Court but they have not supported the case of prosecution. The petitioner was arrested in this case on 26.07.2017.

Keeping in view submission of learned State counsel and statements of material witnesses recorded so far and that conclusion of trial will take considerably long time, the present petition is allowed. Petitioner- Gurmail Singh @ Geja 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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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.

October 29, 2018
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(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No