

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

CRM-M-8090-2018

Date of decision: 09.03.2018

Gurdeep Singh @ Sabi

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. A.S. Khosa, Advocate,
for the petitioner.

Mrs. Anju Arora, Addl. Advocate General, Punjab.

JAISHREE THAKUR, J. (ORAL)

This is a petition that has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No. 104 dated 14.09.2017 under Sections 307, 323, 324, 148, 149, 120-B IPC and Sections 354, 380, 427, 452 IPC added later on, registered at Police Station Haryana, District Hoshiarpur.

Learned counsel for the petitioner would contend that the petitioner herein has been in custody for the last four months. It is submitted that the petitioner is falsely implicated in the present case. It is argued that there is delay of 05 days in registering the FIR. It is also contended that co-accused, namely, Diplreet Singh, has already been enlarged on bail by this Court by order dated 05.02.2018. It is also contended that nothing is to be recovered from the petitioner and the conclusion of the investigation/trial will take sufficient time, therefore, the petitioner is entitled to be enlarged on bail.

Per contra, learned counsel appearing on behalf of the

respondent-State, on instructions from the Investigating Officer, opposes the grant of regular bail to the petitioner, while submitting that the offences alleged against the petitioner are serious in nature, therefore, the petitioner is not entitled to grant of regular bail.

I have heard learned counsel for the parties.

Since co-accused of the petitioner has been granted the concession of bail by this Court and keeping in view of the fact that the petitioner herein has been in custody for the last four months and the investigation/trial is likely to take some time to conclude, without expressing any opinion on merits of the case, the present petition is allowed. Petitioner is ordered to be released on regular bail on furnishing bail bonds and surety bonds to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, concerned subject to following terms:-

- (i) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (ii) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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 accused shall have to apply for bail afresh before the trial Court.
- (iii) He shall not leave the country without the previous permission of the Court.

09.03.2018

Satyawan

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes.
No.