

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-1343 of 2019

Date of Decision: 08.04.2019

Jagdeep Singh

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. P.S. Ahluwalia, Advocate
for the petitioner.

Mr. Arjun Singh, AAG, Haryana.

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.120 dated 05.08.2011 registered for offences punishable under Sections 148, 149, 307, 302, 325, 114, 120-B of Indian Penal Code and 25/27 of the Arms Act, at Police Station Sadar Ambala, District Ambala.

Heard.

As per allegations in the FIR, the petitioner was present at the time of occurrence and has abetted his father to fire at complainant.

Learned counsel for the petitioner submit that in the statement of Harwinder Singh, no grievous injury has been attributed to petitioner. The injury attributed to petitioner is simple in nature. The main case has since been decided. The petitioner was proclaimed offender and he was arrested on 21.07.2017.

As per report of trial Court dated 11.02.2019, the prosecution has not been able to examine any witness. Statement of complainant-

Harwinder Singh has been recorded only on 13.03.2019.

While deciding earlier bail application (CRM-M-23349-2018) declining bail to petitioner, trial Court was directed to dispose of the trial at the earliest and preferably within a period of six months. A period of more than ten months has elapsed thereafter and the prosecution has not been able to conclude its evidence.

In view of above but without expressing any opinion on merits of the case and keeping in view the fact that conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Jagdeep Singh 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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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.

April 08, 2019
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No