

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-2996 of 2019

Date of Decision: 23.07.2019

Gurpartap Singh @ Bhatu

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Gursimran S. Bhatia, Advocate
for Mr. P.B.S. Goraya, Advocate
for the petitioner.

Mr. Avtar Singh Sandhu, Addl. AG, 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.42 dated 16.06.2011 registered for offences punishable under Sections 307, 353, 332, 186, 34, 148 and 149 of Indian Penal Code (for short, "IPC") and 25 of the Arms Act, at Police Station Sarai Amanat Khan, District Amritsar.

Heard.

The petitioner had jumped bail in this case in the year 2014 and was apprehended on 03.12.2018.

Learned counsel for the petitioner submits that the police has deleted the charges for offences punishable under Section 307 IPC and Arms Act against the petitioner. However, the trial Court has framed the charge under Section 307 IPC as alternate charge. Trial in this case is in progress and will take considerably long time. The petitioner has suffered for his absence and may be allowed benefit of regular bail.

Learned State counsel submits that the petitioner is accused in six cases out of which he has been acquitted in four cases. In one case under the NDPS Act, he has been convicted and sentenced to undergo rigorous imprisonment for five years.

As per custody certificate, produced by learned State counsel, the petitioner has undergone sentence of more than 2 years and 8 months in the case he has been convicted and awarded five years of rigorous imprisonment.

Learned counsel for the petitioner submits that the appeal filed against the conviction of petitioner in NDPS case is pending in this Court.

Keeping in view the fact that petitioner is in custody in this case for the last more than seven months and conclusion of trial will take considerably long time but without expressing any opinion on merits of the case, the present petition is allowed. Petitioner-Gurpartap Singh @ Bhatu 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.

July 23, 2019
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No