

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M No. 46031 of 2018  
Date of Decision:.02.04.2019

Gurmeet Singh ..... Petitioner  
  
Versus  
  
State of Punjab ..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Rishu Mahajan, Advocate for the petitioner.  
  
Mr. Sandeep Kumar, DAG, Punjab with ASI Jagbans Singh.

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MAHABIR SINGH SINDHU, J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure (for short 'Cr.P.C') for grant of bail pending trial to the petitioner in case FIR No.93 dated 04.04.2018, under Sections 307,427,436,324 and 326 of the Indian Penal Code (for short 'IPC'), registered at Police Station City Tarn Taran, District Tarn Taran.

Brief facts of the case are that FIR in question was registered on the statement of Kirandeep Kaur on 04.04.2018 to the effect that on 02.04.2018, at about 10:15 am, the petitioner, who is the husband of the complainant attacked her mother - Baljit Kaur with kirch and inflicted injuries. The other co-accused, who are also the family members of the petitioner, attacked the father and brother of the complainant with sharp edged knife and caused injuries.

It is contended by learned Counsel for the petitioner that he is in custody since 06.04.2018 and charges in this case were framed on

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20.11.2018 and thereafter, prosecution has been afforded as many as six opportunities, but not even a single witness is coming forward. Even the non bailable warrants of the prosecution witnesses have been issued by learned trial Judge but despite that there is no positive response for recording the testimony of any of the witness.

In view of the above, this Court is left with no option except to release the petitioner on bail pending trial. Therefore, this petition is allowed and petitioner-Gurmeet Singh is ordered to be released on bail, in this case, on his furnishing adequate bail bonds and surety bonds to the satisfaction of learned trial Court.

However, it is clarified that in case there is any recurrence on the part of the petitioner or try to hamper the trial in any manner, prosecution would be at liberty to move an appropriate application before this Court for recalling of this order.

It is very unfortunate that even the Station House Officer is not coming forward to depose in the matter despite his non bailable warrants.

Consequently, Senior Superintendent of Police, Tarn Taran is directed to take suitable disciplinary action against the erring officials who did not come present for deposing before the learned trial Court despite the due service as well as bailable and non bailable warrants.

The above observations may not be construed as an expression of opinion on merits of the case.

**02.04.2019**

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**( MAHABIR SINGH SINDHU )  
JUDGE**

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|----------------------------------|---------------|
| <i>Whether speaking/reasoned</i> | <i>Yes/No</i> |
| <i>Whether Reportable</i>        | <i>Yes/No</i> |