

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-30216 of 2019
Date of Decision: 19.11.2019

Gurmeet Singh

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. D.S. Pheruman, Advocate
for the petitioner.

Mr. Amitoj Singh Dhaliwal, 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.121 dated 23.08.2018 registered for offences punishable under Sections 302, 307, 452, 324, 323, 148, 149 of Indian Penal Code (for short, "IPC") and 25/27 of the Arms Act, at Police Station Kamboj, District Amritsar.

Heard.

Incident in this case took place on 22.08.2018 and the FIR was registered on the statement of complainant-Satbir Singh son of Bakshish Singh, wherein he has stated that there was a dispute regarding sale of their plot as Paramjit Singh son of Jagir Singh was creating hindrance in the deal to sell it. On the day of occurrence, Paramjit Singh and Hardip Singh (deceased) had exchange of hot words. In the evening at about 07.30/08.00 p.m., several persons in a Swift car came to the house of complainant when they were milking their cattle. One of the assailants, namely, Babbu, fired at Hardip Singh (deceased), who fell down. Thereafter, he was caused injuries

by accused Joga and Meeta son of Iqbal Singh. When complainant intervened, accused Baljit and Gurcharan Singh caused him injuries with *kirpan* as a result of which he fell on the ground. The old parents of complainant intervened, who were also caused injuries by assailants. Hardip Singh was taken to the hospital, where he succumbed to injuries.

Learned counsel for the petitioner has argued that petitioner was not named in the FIR. Complainant has named him in his supplementary statement recorded on 25.08.2018 but has not attributed any injury to any person.

Learned State counsel on instructions from ASI Sheesh Pal Singh submits that the petitioner is not named in the FIR but was nominated on the supplementary statement of complainant.

Complainant in his supplementary statement recorded on 25.08.2018 has named two persons, namely, Gurmeet Singh (petitioner) and Jagir Singh. Both were not attributed any injury to any person. It has been stated that petitioner was present with *datar* while Jagir Singh was present with stones. Jagir Singh was allowed anticipatory bail vide order dated 04.02.2019 passed in CRM-M-50550-2018.

Keeping in view above facts and that the petitioner was not named in the FIR and has been nominated in supplementary statement of complainant alongwith Jagir Singh, who has been allowed anticipatory bail; he was arrested on 27.08.2018; after completion of investigation challan against him has been presented in Court, where till date prosecution has examined only three out of ten witnesses; and conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Gurmeet

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.

November 19, 2019
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No