

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-38494 of 2019
Date of Decision: 28.11.2019

Amardeep Singh

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

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

Mr. Avtar Singh Sandhu, Addl. A.G. 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.129 dated 05.12.2018 registered for offences punishable under Sections 307 of Indian Penal Code (for short, "IPC"); and 27 of the Arms Act, at Police Station Kot Bhai, District Sri Muktsar Sahib.

Heard.

Learned counsel for the petitioner submits that after arrest of the petitioner on 05.12.2018, challan was presented in Court and charges have also been framed against him but till date the prosecution has examined only one witness. Even complainant/injured has not turned up in this case so far.

Learned State counsel on instructions from ASI Hardev Singh submits that out of 17 only one witness has been examined so far. Statement of complainant could not be recorded by the police as he is also absconding in another case.

Keeping in view the period of incarceration of petitioner and the fact that the prosecution is not in a position to examine complainant/injured for the reasons as stated by learned State counsel and conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Amardeep 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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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 28, 2019
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No