

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-44735-2019 (O&M)

Date of Decision: 29.11.2019

Gurmail Singh @ Gaila

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Nishan Singh Chahal, Advocate for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

...

Manoj Bajaj, J. (Oral)

CRM-36887-2019

Application is allowed, subject to all just exceptions. Amended memo of parties is taken on record.

CRM-M-44735-2019

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail in a case FIR No.195 dated 21.08.2017, under Sections 302, 427, 148 and 149 IPC, 1860, registered at Police Station Raman, District Bathinda. He is in custody since his arrest on 13.12.2018.

The FIR in the present case was registered on the statement of complainant Dalvir Singh on the allegations that he received information qua the injuries sustained by his brother Kuldeep Singh, who had gone to supply milk on his tempo along with his son Jaswant Singh. His brother Kuldeep Singh revealed that Jagtar Singh, Sukhraj Singh and Gurmail Singh had waylaid him. Jugraj Singh gave a baseball bat blow upon his vehicle, whereas Sukhraj Singh, Gurmail Singh @ Gaila along with Gurwinder

Kaur dragged him from his vehicle and threw him on the ground. Harjinder

Singh, Suhivkaran Singh along with nephew of Shivkaran Singh, his brother-in-law of Teona Pujaria along with his other brother-in-law and 3-4 unknown persons gave beatings to him. His brother had succumbed to the injuries in the hospital. On these broad allegations, the present FIR was registered.

Learned counsel for the petitioner contends that the complainant had indicted 9 accused as per the version in the FIR, however, the challan was filed against three accused persons and rest were found innocent. He submits that as per the prosecution itself, the petitioner allegedly dragged Kuldeep Singh (deceased), whereas beatings were given by the other two accused. He submits that only one witness has been examined so far by the prosecution out of total 20 witnesses and the trial is likely to consume considerable time. He has further invited the attention of the Court to the order passed by the Addl. Sessions Judge on 02.07.2019, whereby the bail was declined, however it was observed that the petitioner is suffering from a liver ailment and is getting treatment from the PGI, Chandigarh. He submits that considering the custody and the poor health of the petitioner, the concession of bail be extended to him.

On the other hand, learned State counsel assisted by ASI Gurmail Singh has opposed the prayer, however, it is not disputed that only one witness has been examined by the prosecution. He states that the petitioner is actually suffering from liver ailment.

Considering the custody and poor health of the petitioner and the fact that the trial of the case is likely to consume considerable time, this Court is of the opinion that further detention of the petitioner may not be justified. Therefore, without meaning any expression of opinion on the

merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court, Bathinda.

The petition is allowed.

29.11.2019
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No