

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.**

**Crl. Misc. No.M-44047 of 2019 (O&M)
Date of Decision: October 23, 2019**

Mahinder Singh

.....PETITIONER

VERSUS

State of Haryana

.....RESPONDENT

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Saurabh Sharma, Advocate
for the petitioner.

Mr. Navjot Walia, Advocate
for the complainant.

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. 83 dated 22.03.2019 registered for the offences punishable under Sections 148, 323, 324, 302, 427, 295-A, 120-B read with Section 149 of Indian Penal Code at Police Station Cheeka, District Kaithal.

Heard.

Notice of motion.

On asking of the court, Ms. Dimple Jain, A.A.G., Haryana, who is present in the Court accepts notice and submits that intimation by Registry informing of fixation of the petition has already been received and record of the case is available with her.

As per case of prosecution, occurrence took place on

22.03.2019 in which several persons named in the FIR attacked the complainant, his father Shamsher and other persons in connection with dispute over digging of foundation of Gurudwara. Shamsher later on succumbed to his injuries.

Learned State counsel assisted by learned counsel for the complainant submit that the petitioner is named in the FIR but he has been attributed lathi blows to the injured Jagmail Singh which was declared as simple in nature. He has not been attributed any injury to the person of deceased Shamsher Singh.

The co-accused Lakhi Ram and Vijay have been allowed regular bail vide order dated 17.09.2019 passed in CRM No. M-38818 of 2019.

Though there is allegations against the petitioner that he is a member of unlawful assembly which committed offence, but keeping in view the fact that after completion of investigation, the challan has been presented against the petitioner and conclusion of trial will take considerably long time, the present petition is allowed. Petitioner Mahinder Singh is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned 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- b. In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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 prior permission of the Court.

October 23, 2019
Jyoti-II

(SURINDER GUPTA)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes/No</i>
<i>Whether Reportable:</i>	<i>Yes/No</i>