

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

**Crl. Misc. No.M-45581 of 2019 (O&M)
Date of Decision: October 30, 2019**

Balwinder Singh

.....PETITIONER(s).

VERSUS

State of Punjab

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Amandeep Saini, Advocate
for the petitioner (s).

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. 2 dated 20.01.2019 registered for the offences punishable under Sections 323, 304 read with Section 34 of Indian Penal Code, at Police Station Singh Bhagwantpur, District Ropar.

Heard.

Notice of motion.

On asking of the court, Mr. Rakeshinder Singh Sidhu, A.A.G. Punjab, 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 him.

As per case of the prosecution, occurrence took place on

and Vicky had a scuffle with the complainant. Gurjant Singh gave an iron rod blow on the left side of forehead of complainant, while Vicky gave a blow with sharp edged weapon on the left side of chest of complainant. Petitioner gave a *danda* blow on his right arm. Parents of complainant also arrived at the spot and mother of complainant tried to intervene at which Jaspreet @ Jassa and his brother Gurjant Singh pushed her at which she fell on the road, became unconscious and later on died.

Learned counsel for the petitioner submits that petitioner has been attributed a rod blow on the right arm of complainant. No injury on his part has been attributed to the deceased.

Learned State counsel on instructions from ASI Kashmiri Lal submits that petitioner has been attributed injury on the person of complainant, however, he was present at the time when mother of complainant was pushed and thrown on the ground.

The petitioner was arrested on 29.01.2019 and since then he is in custody. After completion of investigation, challan against him has already been presented. Nine out of eighteen witnesses have been examined by the prosecution.

Keeping in view the role attributed to the petitioner and the fact that conclusion of trial will take considerably long time but without expressing any opinion on merits of the case, the present petition is allowed. Petitioner Balwinder 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 prior permission of the Court.

October 30, 2019

Sachin M.

**(SURINDER GUPTA)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No