

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

**Crl. Misc. No.M-52250 of 2019 (O&M)
Date of Decision: December 13, 2019**

Harpreet Singh @ Happy

.....PETITIONER

VERSUS

State of Punjab

.....RESPONDENT

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Gurinder Singh Hayer, Advocate
for the petitioner.

SURINDER GUPTA, J.(Oral)

Heard.

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. 74 dated 03.04.2018 registered for the offences punishable under Sections 307, 148, 149 of Indian Penal Code at Police Station City South Moga, District Moga.

Notice of motion.

On asking of the court, Mr. Amitoj Singh Dhaliwal, D.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 prosecution, son of complainant, namely, Jaspal Singh left his house after telling his father that he had received a phone call

from his friend Landi son of Surinder Singh, who had called him at his outer house for compromise with Gurjant Singh. When he reached there, Gurjant Singh, who was present with co-accused, namely, Happy and Nirmal, gave 'Kapa' blow on the head of Jaspal Singh and Happy gave a rod blow, which hit on the eye of Jaspal Singh. Other persons, who were also present with them, caused injuries to Jaspal Singh. The complainant, who had followed his son, raised 'rolla' at which accused ran away from the spot. Injured was taken to hospital, where doctor on his medical examination found following injuries on his person:-

- “1. Lacerated wound 10 X 3 cm over left fronto-parietal region scalp with exposed depressed bone with minimal bleeding.*
- 2. Bruise left upper eyelid.”*

Learned State counsel submits that injury No. 2 has been attributed to petitioner, who was arrested on 29.04.2019. Earlier he was declared as proclaimed offender and final report against him has been presented in the Court.

Keeping in view the nature of injury attributed to the petitioner and that conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Harpreet Singh @ Happy is ordered to be released on regular bail on his 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.

(SURINDER GUPTA)
JUDGE

December 13, 2019
Jyoti-II

Whether speaking/reasoned: ***Yes/No***

Whether Reportable: ***Yes/No***