

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

208

CRM-M-5554-2015 (O&M).
Decided on: May 28, 2016.

Sunil Kumar

.. Petitioner(s)

VERSUS

State of Haryana

.. Respondent(s)

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CORAM: HON'BLE MR.JUSTICE M.M.S.BEDI

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PRESENT Mr.Sanjay Vashisth, Advocate,
for the petitioner.

Mr.G.S.Salwara, DAG., Haryana.

M.M.S. BEDI, J. (ORAL)

The petitioner has been in custody w.e.f. 6.11.2014 in a case registered at the instance of Sri Ram alleging that on 18.5.2014, while the complainant was going on motorcycle and had to stop on account of petrol in motorcycle having finished, the petitioner as a member of an unlawful assembly stopped his Swift car and another motorcycle and the complainant was assaulted by the petitioner and 5-8 other persons with rods and pistols etc. The petitioner is alleged to have fired two shots one hitting on the ankle of Sri Ram complainant.

Without expression of any opinion on merits of the case, it is sufficient to observe here that the petitioner has been in custody w.e.f. 6.11.2014. Statement of Sri Ram has been recorded and intention of the petitioner to kill the complainant would be a debatable issue on account of nature and seat of injury. The chances of tampering with the evidence or

witnesses stand examined. The petitioner had earlier been involved in 14 cases and he has been able to seek acquittal in number of cases but has been convicted in 4-5 cases. Irrespective of the said cases, taking into consideration the period of detention and the nature of the allegations against the petitioner, he can be granted the concession of conditional bail to the extent that he will not commit any offence during pendency of the trial.

The petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the trial Court subject to the condition that the petitioner will furnish an affidavit before his release before the trial Court that in case he indulges in any criminal activity during pendency of the trial. In case of violation of the condition, it will be open to the complainant to approach this Court for cancellation of bail

(M.M.S. BEDI)
JUDGE

May 28, 2016.
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