

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-12407 of 2017
Date of Decision: 21.04.2017

Samar @ Simpy and another

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Dr. Deipa Singh, Advocate
for the petitioners.

Mr. H.P.S. Ishar, Advocate
for the complainant.

SURINDER GUPTA, J.(Oral)

Present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to petitioners in case FIR No. 79 dated 05.03.2017 registered for offences punishable under Sections 148, 149, 307, 323, 427 and 506 of Indian Penal Code (for short, "IPC") and 25 of the Arms Act [As per Annexure P-3, Sections 148/149/323/324/307/427/506/201 IPC and 25 of the Arms Act], at Police Station Pinjore, District Panchkula.

Heard.

Notice of motion.

On asking of the court, Mr. Vikramjit Singh, Addl. 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 him.

Learned counsel for petitioners submits that due to

Samar @ Samar while in fact it is Samar @ Simpy. The same may be ordered to be corrected.

On the request of learned counsel for petitioners, name of petitioner no. 1 is ordered to be corrected as Samar @ Simpy in the memo of parties. Registry is directed to do the needful.

As per case of prosecution, a group of persons comprising of Amit, Gopal, Palli etc. of which petitioners-Samar @ Simpy and Amrik Singh were also a party, came to Amrwawati Enclave on 05.03.2017 and caused injuries to complainant.

Learned counsel for petitioners submits that neither of the injuries on the person of complainant was found grievous or dangerous to life. Petitioner no. 1-Samar @ Simpy has not been attributed any injury while petitioner no. 2-Amrk Singh has not been named in the FIR.

Learned counsel for complainant and learned State counsel submit that petitioners alongwith others have attacked complainant-Babbu with intention to kill him and a gunshot was also fired at him but he escaped. Petitioner no. 2-Amrik Singh was in the vehicle, which was apprehended by the police of Police Station Sarahan.

The matter is still under investigation. It is yet to be seen as to whether petitioner no. 2-Amrik Singh has any role in the occurrence. Petitioner no. 1-Samar @ Simpy has also not been attributed any injury in the FIR.

Without expressing any opinion on merits of the case and keeping in view the fact that conclusion of trial will take considerably long time, the present petition is allowed. Petitioners no. 1 and 2, namely, Samar @ Simpy and Amrik Singh are ordered to be released on regular bail on

furnishing bail bonds and surety bonds to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- (a) Petitioners shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of their absence on any date of hearing, the benefit of bail allowed to petitioners shall stand withdrawn. The trial Court shall be competent to cancel their bail bonds and surety bonds and proceed to procure their presence in accordance with law. In that eventuality petitioners shall have to apply for bail afresh.
- (c) They shall not leave the country without the previous permission of the Court.
- (d) They will maintain peace and be of good behaviour.

April 21, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No