

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-16065 of 2017
Date of Decision: 07.07.2017

Satbir

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

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

Mr. Deepak Grewal, DAG, Haryana.

Mr. Arjun Sheoran, Advocate
for Mr. Harish Mehla, 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. 79 dated 05.03.2017 registered for offences punishable under Sections 307, 323, 427 and 506 read with Section 149 of Indian Penal Code (for short, "IPC") and 25 of the Arms Act, at Police Station Pinjore, District Panchkula.

Heard.

Learned counsel for the petitioner submits that FIR in this case was registered on the statement of Manga Ram, who had mentioned presence of several persons at the time of occurrence but name of the petitioner is not mentioned therein. His name was disclosed by Bhupinder Singh @ Baboo, whose statement under Section 161 Cr.P.C. was recorded by the police on 05.03.2017. The petitioner has not been attributed any

injury or specific role in the occurrence.

Learned State counsel submits that statement of Bhupinder Singh @ Baboo was recorded on the day of occurrence wherein name of the petitioner also finds mentioned. Bhupinder Singh @ Baboo has stated that all the accused were armed with weapons like revolver, *kirpan*, iron rod etc. and have also damaged the vehicle of complainant. Shots were also fired by co-accused Amit at complainant and Bhupinder Singh @ Baboo but missed the target.

Learned counsel appearing for the complainant submits that the petitioner is a member of gang and there are three cases registered against him including this case.

Learned counsel for the petitioner submits that petitioner-Satbir has been named in other two cases also but he is on bail in both the cases.

Keeping in view the fact that presence of petitioner is not mentioned by complainant and even Bhupinder Singh @ Baboo, who has named him, has not attributed any specific role to him. After completion of investigation challan has been presented and trial is in progress. It will take considerably long time before the trial is concluded. The instant petition is allowed. Petitioner-Satbir is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned trial Court/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 previous permission of the Court.

July 07, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No