

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-185 of 2017

Date of Decision : 13.01.2017

Surender

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Jitender Dhanda, Advocate
for the petitioner.

Surinder Gupta, J.

The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No. 301 dated 28.08.2016 registered for offences punishable under Sections 147, 148, 149, 307, 506 read with Section 120-B IPC and Section 25 of the Arms Act, at Police Station Dadri City, District Bhiwani.

Heard.

Notice of motion.

On asking of the court, Ms. Harpreet Kaur, AAG, 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 her.

Learned counsel for the petitioner submits that the petitioner was having property dispute with the complainant and a civil suit is pending in this regard. Complainant has implicated the petitioner in this FIR with the allegation that on 27.08.2016, he accompanied by six/seven persons hit motorcycle of the petitioner and his co-accused inflicted injuries on the

person of complainant. As per complainant, the petitioner was having a *katta* in his hand but no firearm injury was caused. Police has completed the investigation and challan has been presented against the petitioner in which charge has not been framed so far.

Learned State counsel submits that petitioner is the main accused at whose instance the entire occurrence had taken place, as such, grant of bail to the petitioner will effect the case of prosecution as he may prevail upon the prosecution witnesses.

In the FIR, complainant has not alleged any reason for the petitioner and his co-accused for causing injuries to him. However, perusal of order dated 19.12.2016 passed by Additional Sessions Judge, Bhiwani, declining bail to the petitioner shows that another FIR bearing no. 151 has already been registered against the petitioner on the complaint of complainant/injured. This shows element of enmity of complainant with petitioner.

Keeping in view the fact that no injury was attributed to the petitioner and on giving a careful thought to submissions of learned counsel for the petitioner and learned State counsel but without expressing any opinion on merits of the case, the present petition is allowed. Petitioner-Surender 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 the previous permission of the Court.

January 13, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/Reasoned

Yes/No

Whether Reportable

Yes/No