

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-18710 of 2017
Date of Decision: 26.10.2017

Gopal and another

....Petitioners

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. 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 petitioners in case FIR No.79 dated 05.03.2017 registered for offences punishable under Sections 148, 307, 323, 427, 506 read with Section 149 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 IPC and 25 of the Arms Act), at Police Station Pinjore, District Panchkula.

Heard.

FIR in this case was registered on the statement of Manga Ram, wherein he has stated that petitioners alongwith their associates attacked complainant and Babbu. A *kirpan* blow on left arm of complainant has been attributed to Happy (since on bail). It is alleged that petitioner no. 2-Amit Kumar @ Krishan fired at Bhupinder @ Babbu, which missed and the petitioners with their co-accused had also smashed their vehicle bearing

registration no. HR-14-D-0003 and then left the spot on seeing a number of persons gathering there. Petitioners were arrested in this case on 05.03.2017. The police has presented challan for offences punishable under Sections 148, 149, 307, 323, 427 and 506 IPC and 25 of the Arms Act.

Learned counsel for petitioners submits that examination-in-chief of complainant was recorded on 23.10.2017 but his cross-examination could not be recorded as he moved application under Section 319 Cr.P.C. for summoning of some other accused and the case was adjourned. Other seven co-accused are already on bail.

Learned State counsel and learned counsel for complainant submit that both the petitioners have a number of cases registered against them. Against petitioner no. 1-Gopal, there are five cases out of which in three cases he has been acquitted, while against petitioner no. 2-Amit Kumar, there are seven cases out of which in four cases he has been acquitted.

No doubt registration of number of cases against petitioners show their credentials but keeping in view facts of the case and the period of their incarceration and that the trial after presentation of challan has not moved further, conclusion of which will take considerably long time, the present petition is allowed. Petitioners, namely, Gopal and Amit Kumar @ Krishan 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 the petitioner 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 the petitioner shall have to apply for bail afresh.

- (c) They shall not leave the country without the previous permission of the Court.

October 26, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No