

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-22946 of 2017
Date of Decision: 06.07.2017

Bijender @ Bhuru

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Harish Nain, Advocate
for the petitioner.

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. 08 dated 07.01.2017 registered for offences punishable under Sections 307 read with Section 34 of Indian Penal Code (for short, "IPC") and 25 of the Arms Act, at Police Station City Bahadurgarh, District Jhajjar.

Heard.

Notice of motion.

On asking of the court, Mr. Deepak Grewal, DAG, 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.

As per case of prosecution, the petitioner accompanied by one more person gave beatings to complainant. The co-accused, who was accompanying the petitioner, fired shots at the complainant with his pistol but the same did not hit him.

Learned counsel for the petitioner submits that it is a case of no

injury. The petitioner has been attributed beatings to complainant but this version is not supported by any medical evidence.

Learned State counsel on perusal of police file has fairly conceded that it is a case of no injury, but submitted that attempt on life of complainant was made by the co-accused, accompanying petitioner, as such, he is not entitled to bail.

The petitioner was arrested in this case on 04.02.2017 and after completion of investigation the challan has been presented against him. He has not been attributed the alleged fire shot at complainant. It will be a point for consideration of Court during trial as to whether any such shot was fired at complainant on the asking of petitioner.

In view of above but 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. Petitioner-Bijender @ Bhuru 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 06, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No