

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-28279 of 2017
Date of Decision: 09.08.2017

Sumer

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Vikas Bishnoi, Advocate
for the petitioner.

Mr. N.S. Shekhawat, 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.29 dated 11.01.2017 registered for offences punishable under Sections 279, 336 and 427 of Indian Penal Code (for short, "IPC") at Police Station Civil Lines Hisar, District Hisar. (Offences punishable under Sections 307, 120-B, 34 and 202 IPC were added later on).

Heard.

Notice of motion.

On asking of the court, Mr. Amrik Narwal, 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, complainant-Kamal Gupta, who is a practicing advocate at Hisar Court, was coming in his car to Court on 11.01.2017, when an unnumbered jeep hit his car. The driver of jeep after

hitting the car tried to run away from the spot. Complainant followed him but he took lift on scooty and succeeded in fleeing from the spot. It is alleged that chassis and engine numbers of the jeep had also been erased. During investigation, the police found that it was not a case of mere accident but driver of the jeep had attempted to kill complainant due to matrimonial dispute of brother of complainant. The petitioner was identified as the person, who took driver of the jeep on his scooty.

Learned State counsel submits that as per allegations against the petitioner, he was hired by Pawan Bansal alongwith main accused, namely, Narseh Kumar, who had hit car of complainant with his jeep while the petitioner had helped him in fleeing from the spot.

Allegations against the petitioner are based on circumstantial evidence of conspiracy to kill the complainant. At this stage, there is suspicion of complainant that petitioner had helped the co-accused, who caused accident with his car, by giving him lift on his scooty to flee from the spot. He was arrested on 29.04.2017 and police after completion of investigation has presented the challan. Disclosure statement of petitioner, if any, is subject to scrutiny by the Court.

In view of above facts 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-Sumer 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.

August 09, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No