

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-34636 of 2017
Date of Decision: 22.09.2017

Chand

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. H.N. Sahu, 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.1044 dated 20.11.2016 registered for offences punishable under Sections 148, 149, 302 read with Section 120-B of Indian Penal Code (for short, "IPC") and 25 of the Arms Act, at Police Station Jhajjar, District Jhajjar.

Heard.

Notice of motion.

On asking of the court, Mr. Ashish Yadav, Addl. AG, 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.

Learned counsel for petitioner submits that role of the petitioner in the occurrence is similar to the role of co-accused-Seema, who has already been allowed regular bail vide order dated 21.07.2017 passed in CRM-M-24625 of 2017. He was not armed with any weapon at the time of

incident.

As per allegations in the FIR, the petitioner alongwith several other persons were present when deceased-Rajender was fired upon by Chand son of Chander, Bittu, Vikas, Satish and Satbir. The petitioner was arrested in this case on 28.11.2016.

Learned State counsel submits that after completion of investigation, police has presented the challan in Court.

Applying the principle of parity with co-accused Seema 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-Chand 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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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.

September 22, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No