

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.**

**Crl. Misc. No.M-36254 of 2017 (O&M)
Date of Decision: October 03, 2017.**

Narbir @ Bhola

.....PETITIONER(s).

VERSUS

State of Haryana

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. M.S.Khaira, Senior Advocate with
Mr. D.S.Randhawa, Advocate
for the petitioner (s).

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. 458 dated 07.06.2017 registered for the offences punishable under Sections 186, 307, 332, 353 read with Section 34 of Indian Penal Code (for short IPC) (Section 216, 225 IPC added later on) and Section 25 of Arms Act at Police Station Sector-10, Gurugram.

Heard.

Notice of motion.

On asking of the court, Mr. Amrik Narwal, D.A.G., 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 the case of the prosecution, the police party on the tip of

secret informant, went to the house of Ranbir to arrest accused namely Balraj Bhatti and Jaibir, where it came under attack. Accused-Jaibir had fired a bullet shot at police party which however missed and in the cross firing bullet hit his left thigh. Petitioner-Narbir was allegedly arrested from the spot with a pistol along with Digamber, who was carrying cartridges of various configuration.

As per the entire version of the prosecution, no shot was fired from the pistol allegedly recovered from the petitioner.

Learned counsel for the petitioner submits that even if we believe the version of the police party, the offence under the Arms Act is made out and not under Section 307 IPC.

After completion of the investigation, the challan has been presented. Accused Digamber, from whom the cartridges were recovered, has been allowed regular bail by the trial Court vide order dated 25.08.2017.

Keeping in view the above facts but without expressing any opinion on merits of the case, the present petition is allowed. Petitioner Narbir @ Bhola 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 prior permission of the Court.

October 03, 2017
Jyoti-II

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No