

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-45833 of 2016
Date of Decision: 27.02.2017

Rishi Parkash

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Rajeev Anand, Advocate
for the petitioner.

Ms. Harpreet Kaur, A.A.G. Haryana.

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. 382 dated 02.08.2016 registered for offences punishable under Sections 148, 149, 307, 323 read with Section 34 of Indian Penal Code (for short 'IPC') and 25 of the Arms Act, at Police Station Sadar Bahadurgarh, District Jhajjar.

Heard.

As per case of prosecution, the occurrence took place on 02.08.2016, in which firearm injuries were caused to the complainant and his father. Role attributed to the petitioner is that he had caught father of the complainant.

Learned counsel for the petitioner submits that no firearm injury was caused to Ramesh Kumar, father of the complainant. The main accused in this case are Amit and Sumit, who have been attributed injuries caused to the complainant and his father. The petitioner was not armed with

any weapon at the relevant time.

Learned State counsel submits that the petitioner has been attributed brickbat blow on head of father of the complainant.

The petitioner was arrested on 04.08.2016. Challan has been presented but charge has not been framed so far.

In view of the role of petitioner as attributed to him in FIR 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-Rishi Parkash 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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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.

February 27, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No