

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-45971 of 2016
Date of Decision: 09.02.2017

Rakesh @ Raka

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Sarfraj Hussain, Advocate
for the petitioner.

Mr. Vikramjit Singh, Addl. AG, 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. 311 dated 23.07.2016 registered for offences punishable under Sections 148, 149, 323, 307, 120-B of Indian Penal Code and 25 of the Arms Act, at Police Station Model Town, Rewari, District Rewari.

Learned counsel for the petitioner submits that as per allegation of the prosecution the petitioner was having a pistol in his possession at the time of occurrence which did not work. No injury has been attributed to the petitioner. He was arrested on 17.08.2016.

Learned State counsel submits that after investigation challan has already been presented. There are four cases registered against the petitioner under various provision of Arms Act and on this ground he opposes grant of bail to the petitioner.

Regarding four other cases registered against the petitioner, learned counsel for the petitioner submits that in all those cases, he is on

bail.

As per version in the FIR, the petitioner alongwith others had come to the complainant and caused him injuries. The role attributed to the petitioner is that he was having a pistol but the same did not work.

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-Rakesh @ Raka is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of 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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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 09, 2017
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(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No