

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

**Crl. Misc. No.M-27014 of 2018 (O&M)
Date of Decision: July 06, 2018**

Manish Kumar

.....PETITIONER(s).

VERSUS

State of Haryana

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. P.S. Ahluwalia, 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. 204 dated 23.10.2017 registered for the offences punishable under Sections 148, 323, 324, 325, 326, 307, 379-B, 473, 506, 120-B read with Section 149 of Indian Penal Code and 25 of Arms Act, at Police Station Chhapar, District Yamuna Nagar.

Heard.

Notice of motion.

On asking of the court, Ms. Dimple Jain, A.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 her. Mr. Akashdeep Singh, Advocate, who is present in the Court, has put in appearance on behalf of complainant

and filed power of attorney.

As per the case of prosecution, the occurrence took place on 22.10.2017 at about 08.45 a.m., when the complainant was returning on his motorcycle from Khera Mandir, where he had gone to pay obeisance and had reached just ahead of Patwarkhana turn. A white coloured Swift car bearing registration No.HR-02W-2431 came on the road and driver of the car hit the motorcycle of complainant, as a result of which, he struck against the wall. The car also struck against the wall. Thereafter, complainant was caused injuries by several persons. In all, he suffered seven injuries out of which three were fractures.

Learned counsel for the petitioner submits that petitioner was not named in the FIR. He has been arrested in this case on 23.12.2017 after he suffered disclosure statement in another case registered against him under Section 25 Arms Act.

Learned State counsel, on instructions from ASI Ranbeer Singh, submits that as per disclosure statement of petitioner, he was driving the Swift car at the time of occurrence and had hit the motorcycle of complainant. Similar facts have also come in the disclosure statements of other co-accused.

As per submission of learned State counsel assisted by learned counsel for the complainant, the only evidence against the petitioner at this stage is his own disclosure statement and disclosure statements of other co-accused.

Keeping in view the above facts, period of incarceration of the petitioner and that conclusion of trial will take considerably long time but

without expressing any opinion on merits of the case, the present petition is allowed. Petitioner Manish Kumar is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned 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.

July 06, 2018
Sachin M.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned: ***Yes/No***

Whether Reportable: ***Yes/No***