

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

Criminal Misc.No.M-27459 of 2018 (O&M)

Date of Decision : 17.10.2018

Shamsher

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present : Mr. Naresh Kumar, Advocate
for the petitioner.

Mr. Raj Kumar Makkad, DAG, Haryana.

RAJ SHEKHAR ATTRI, 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.435 dated 25.10.2017, registered under Section(s) 307/34 IPC and Section 25 of the Arms Act, at Police Station Kurukshetra University, District Kurukshetra.

It has been submitted that the petitioner inflicted gun shot injury on the left arm of the complainant.

Learned State counsel has submitted that all the witnesses have been examined. He has further submitted that the petitioner is also involved in some other cases.

Learned counsel for the petitioner has submitted that three cases were registered against him out of which in two cases, he has been acquitted and in one case he has been convicted.

Keeping in view the nature of the injury, this Court deem it appropriate to impose compensation upon the petitioner.

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 Shamsher is ordered to be released on regular bail, subject to deposit of Rs.10,000/- before the concerned trial court/Duty Magistrate and on doing so, the said amount shall be handed over to the complainant against proper receipt. The petitioner is admitted to bail, subject to his furnishing bail/surety bonds to the satisfaction of the concerned Chief Judicial Magistrate/Duty Magistrate, subject to the following conditions:-

- (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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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.

The interim compensation shall be considered by the trial court at the time of passing of final judgment.

17.10.2018
mamta

(RAJ SHEKHAR ATTRI)
JUDGE

Whether speaking/reasoned
Whether Reportable :

Yes/No
Yes/No