

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-36493-2018

Date of Decision: 28.8.2018

Radha Krishan

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Rajesh Bhateja, Advocate
for the petitioner.
Mr. Saurav Khurana, DAG Punjab.

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.116 dated 29.7.2018 registered for the offences punishable under Sections 307, 148, 149 of Indian Penal Code (for short, "IPC") and Sections 25 and 27 of Arms Act at Police Station Badhni Kalan, District Moga.

Heard.

Learned counsel for petitioner submits that it is a case of no injury. The petitioner is not named in the FIR.

It is alleged that one Shamsher Singh @ Husna fired a shot towards the car driven by the complainant but it hit none.

Liability of the petitioner qua the offence under Section 307 IPC is debatable.

The petitioner is in custody since 4.8.2018.

Without expressing any opinion on merits of the case and

time, the present petition is allowed. Petitioner-Radha Krishan son of Shri Ram 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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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.

**(RAJ SHEKHAR ATTRI)
JUDGE**

August 28, 2018

Paritosh Kumar

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No