

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-37310 of 2018
Date of Decision: 04.09.2018

Mahesh

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. J.S. Hooda, Advocate
for the petitioner.

Ms. Dimple Jain, AAG, Haryana.

Mr. Sandeep Kumar Rana, Advocate
for the complainant.

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.554 dated 28.07.2018 registered for offences punishable under Sections 148/149/323/341/506/325 of Indian Penal Code (for short, "IPC") and 25 of the Arms Act, at Police Station Sadar Palwal, District Palwal. (Offence punishable under Section 379-B IPC was added later on).

Heard.

Learned counsel for the petitioner submits that petitioner was arrested on 04.08.2018. He has not been attributed any specific injury to complainant. Even otherwise, offences punishable under Sections 323 and 325 IPC are bailable. Though, the petitioner has not been named in the FIR but he was named by the injured. Allegations under the Arms Act and Section 379-B IPC are not against the petitioner.

submits that petitioner was member of unlawful assembly, which attacked and caused injuries to complainant. Ajay, one of the member of unlawful assembly, had taken away ₹4200/- from pocket of complainant while co-accused, namely, Hari Om had fired in the air with his country made pistol. The petitioner has been named by the injured and has been attributed iron rod/*danda* blow.

As per medical report, injured had suffered four fracture injuries. However, the offence under Section 325 IPC, which has been mentioned in the FIR is bailable. Admittedly, petitioner was not having any firearm and had not snatched any amount from the complainant.

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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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

September 04, 2018
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No