

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-39622 of 2018
Date of Decision: 17.09.2018

Sumit

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Pardeep Goyal, Advocate
for the petitioner.

Ms. Dimple Jain, AAG, 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.123 dated 27.03.2018 registered for offences punishable under Sections 148/149/307/427/506 of Indian Penal Code (for short, "IPC") and 25 of the Arms Act, at Police Station Hodal, District Palwal.

Heard.

As per case of prosecution, complainant in his Scorpio car was going towards Hodal with Sagar son of his nephew. When he reached village Aurangabad, Raj Kumar @ Sonu was found standing there on his motorcycle (brand "Bullet") and Sagar took lift on his motorcycle. When they reached Babri turn, Hodal, a Bullet hit his vehicle from backside and he found that one Nawab was sitting on the motorcycle with a country made pistol in his hand and had fired at him.

Admittedly, Nawab has been allowed anticipatory bail as he has produced CCTV footage to show that he was present at some other place at

the time of incident. Other persons named by the petitioner, who fired at his vehicle are Sumit (petitioner), Yashpal and Mahesh son of Ranjit.

Learned counsel for the petitioner submits that Mahesh and Yashpal have also been allowed interim anticipatory bail vide order dated 10.07.2018 passed in CRM-M-21818-2018.

The petitioner was arrested in this case on 07.08.2018. It is a no injury case. Version of complainant that Nawab, brother-in-law of Yashpal had fired at his vehicle is under investigation as Nawab has produced documentary proof in support of his plea of *alibi*.

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-Sumit 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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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 17, 2018
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No