

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-41444 of 2018
Date of Decision: 26.09.2018

Krishan

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Ravi Malik, Advocate
for Mr. Sanjeev Kumar Panwar, 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 148/149/307/427/506/216 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 with 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 them.

Learned counsel for the petitioner submits that petitioner was

arrested in this case on 13.08.2018. He was neither named in the FIR nor

has been attributed any injury. Allegations against him is that he was on motorcycle that followed the car of complainant. He further submits that co-accused, namely, Sumit has been allowed regular bail vide order dated 17.09.2018 passed in CRM-M-39622-2018.

Learned State counsel submits that during investigation petitioner has been named as one of the person, who was on motorcycle that followed the car of complainant but no recovery of any weapon was effected from his possession. However, he is involved in one more FIR registered against him for offences punishable under Sections 379-B IPC and 25 of the Arms Act.

Keeping in view the fact that case of petitioner is on parity rather on better footing than the case of co-accused, Sumit, who has already been allowed regular bail in this case and that conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Krishan 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 26, 2018
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No