

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

**CRM-M No.42859 of 2018
Decided on: 03.10.2018**

Parveen Kumar

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. P.S. Chauhan, Advocate for the petitioner.

Mr. Himmat Singh, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.183 dated 30.06.2018, for offence punishable under Sections 307, 452 read with Section 34 of the Indian Penal Code (in short 'IPC') and 25 of the Arms Act, registered at Police Station Khol, District Rewari.

Counsel for the petitioner has submitted that on 30.06.2018, two FIRs were registered against the petitioner in the same Police Station.

The allegations in FIR No.184 are that at the instance of the co-accused Tarun, who is also a co-accused in the present FIR, the petitioner had fired a shot on one Rahul, however, he was not injured. It is further submitted that the petitioner has been granted regular bail by the Additional Sessions Judge in FIR No.184 on 05.09.2018.

Counsel for the petitioner has further submitted that as per the allegations in the present FIR i.e. FIR No.183, again it is stated that

the petitioner and the aforesaid co-accused Tarun had fired a shot on one Deepak @ Pardesi and no one was injured in the said incident. It is further argued that the weapon was recovered from the co-accused – Tarun.

Counsel for the State, on instructions from HC Raj Kumar, has submitted that during the investigation, it is found that co-accused – Tarun was having enmity with the aforesaid two persons namely Rahul and Deepak @ Pardesi.

As per the Custody Certificate filed in the Court today, it is not disputed that the petitioner is on bail in the aforesaid FIR.

Without commenting anything on merits of the case, considering the fact that the petitioner is in judicial custody since 07.07.2018' the investigation is complete; challan has been presented before the trial Court; the petitioner has already been released on regular bail by the Additional Sessions Judge in FIR No.184 and conclusion of the trial is likely to take some time, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

03.10.2018

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Whether speaking/reasoned
Whether reportable:

Yes/No
Yes/No