

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-44078 of 2018
Date of Decision: 12.10.2018

Amar Singh

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Ravin Malik, Advocate
for Mr. Sanjeev K. 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.127 dated 24.02.2018 registered for offences punishable under Sections 148/149/323/307/506 of Indian Penal Code (for short, "IPC") and 25 of the Arms Act, at Police Station Camp Palwal, District Palwal.

Heard.

Learned counsel for the petitioner submits that it is a no injury case. As per allegations in the FIR, petitioner-Amar Singh had fired a shot at Amit, but he was not hit and then he (Amar Singh) fired shot at complainant-Parkash Singh but the bullet passed touching his ear. Earlier to this incident, FIR No. 857 dated 07.11.2017 was registered against Amit and Dheeraj, who came to the police station and caused injuries to petitioner-Amar Singh in the police station itself. They had also thrown away papers of ASI Dharambir, who was writing the statements of parties.

This FIR is a counter-blast of that FIR to compel the petitioner to

compromise the matter.

The petitioner was arrested in this case on 14.06.2018. After completion of investigation challan against him has been presented in Court. It is a no injury case. The enmity between the parties is apparent from the earlier FIR registered against Amit and Dheeraj, who as per allegations in that FIR had come to the police station and caused injuries to petitioner in the presence of police.

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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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

October 12, 2018
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No